

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

JULIAN AHLER; DIANA ANDERSON; LISA §  
ANDERSON; DUNEVANT AND SHARON §  
ANDREWS; RAY AND LINDA ANDREWS; §  
CARL AND SHARON AUSTIN; ANDREW §  
AVEL AND MICKI ANDERSON; MARK AND §  
PATSY BARTON; KELLY AND SUDIE §  
BEIERSCHMITT; JEFF AND LISA BLACK; §  
JOHN AND SALLY BOLDMAN; §  
LAWRENCE BORNSTEIN; LAWRENCE AND §  
SALLY J. BORNSTEIN; MARK AND RITA BOYD; §  
WILEY ANDASHLEE BRACKETT; STACIE §  
BRADSHAW; JOHN BRANDAU AND JACQUELIN §  
RYLANDER; ROBERT AND SUSAN BRISSINGER; §  
HOWARD AND SARAH BROWN; JASON AND §  
SARAH BROWN; RALPH AND CAROL BROWN; §  
CHARLES BRUMLEY; RONALD AND ELISA §  
BRYAN; ERIC AND SARAH BULLINGTON; §  
PHYLLIS BURNS; WALTER AND PATRICIA §  
BUTLER; BETSY CANARI; DAVID AND §  
CYNTHIA CHRISCO; WILLIAM AND §  
BETTIE CLEMENTS; JAN COFER AND §  
HAROLINE HOWELL; DONALD AND §  
UNA COFFMAN; IAN AND SABRINA §  
CULLEN; RICHARD AND ANNE DABBS; §  
PATRA DABBS; BARRY AND LYNNE §  
DAILEY; TERESA DAVIS; MICHAEL AND §  
MAUREEN DAWSON; RONALD DILLS; §  
PENNY DODSON; KEITH AND WENDY §  
DOWNEN; BRUCE AND CANDY DUNCAN; §  
MARC AND MARY DUVIVIER; DANNY §  
AND LINDA EDWARDS; ROY AND LAURA §  
FISHER; TODD AND JOY FISHER; §  
CHARLES GABBARD; RONALD SEAGREN; §  
JAMES AND DONNA GANN; CHARLES §  
GIBSON; RICHARD AND DONNA GIRMAN; §  
DANIEL AND CAROL GITRE; THOMAS AND §  
JOLAINE GOLDMAN; JOE AND TONI HABA; §  
JON HALL; JACK AND SHEILA HANEY; PHILIP §  
AND PAULETTE HANSON; ROSS AND MARY §  
HARDING; RONALD AND BARBARA §  
HARMON; THOMAS AND CHRISTIE §

DEMAND FOR JURY TRIAL

CASE NO. \_\_\_\_\_

HARRILL; JERRY HELMS; EVA HEWITT; DAVID §  
AND MARILYN HEYS; LEE AND DIANNE §  
HITESHEW; DONALD AND GLORIA §  
HUTCHERSON; JASON AND KRISTI §  
JACKSON; HERBERT AND BRENDA §  
JUSTICE; JERRY AND CONNIE KELLEY; §  
GARY KING; BRIAN AND CINDY KLUMP; §  
JAMES R. KOKONES AND LaRENE H. §  
KOKONES AND KOKONES TRUST; ADAM AND §  
JESSICA LANGLEY; MARK AND JAN §  
LAZARUS; HARRY AND MARSHA LENZ; THOMAS §  
AND SARAH LITTLFIELD; RICHARD AND VICKY §  
LONG; TIMOTHY AND LOIS LONG; BRUCE §  
AND ROSEMARY MACMILLAN; JEREMIAH AND §  
ASHLEY MCCLURE; DIANE MCKEETHAN; §  
SALLY MERIAN; METROPOLIS INVESTMENT §  
GROUP, LLC; ROBERT AND JACQUELINE §  
MILLER; MICHAEL AND DIANA MROCHEK; §  
MROCHEK INVESTMENTS, LP; REBECCA §  
MURDOCK; NICK AND PAM NICHOLS; §  
JOSEPH AND BARBARA NOVAK; LARRY §  
OGLE AND JO ANN OGLE; TYLER AND LAURA §  
OVERSTREET; RACHEL PARKER; ALEX §  
PATTON; ANTHONY AND LOIS PERRONE; §  
ADAM AND CHARLOTTE PHILLIPS; ULA §  
JUANITA PHILLIPS; MARK AND JUDIE §  
POWERS; THOMAS AND RITA PRICE; TAMARA §  
PRINCE; WILLIAM AND JODY PRITCHARD; §  
ROBERT AND LYNN QUIMBY; F.R. AND §  
MELVA REED; BOBBY AND BERNADETTE §  
RENFRO; THOMAS AND SHARON REPP; §  
DALLAS T. REYNOLDS, JR. AND §  
JUDITH REYNOLDS; FAROUK SAMONA; JALEL §  
SAMONA; KHAIRI SAMONA; MAJID SAMONA; §  
MUKHLES SAMONA; RAGHEED SAMONA; §  
SHAHLA SAMONA; ZUHAIR SAMONA; §  
IKHLAS KASHAT; AMIR SAMONA; §  
MATTHEW AND CINDY SCHERR; CHARLES §  
AND ELIZABETH SCHWEPFINGER; JOHN AND §  
ANNE SEBESTA; JEFF AND ROWENA SHARP; §  
CHARLES AND LILLY SHIRLEY; DARRELL §  
AND LORETTA SMITH; JOHN AND NORMA §  
SMITH; MICAH SMITH; DOUGLAS AND §  
CATHERINE SPARKS; GARY SPROULE; §  
DONNA STANFORD AND DERHONDA §  
MCCLELLAN; KIRK AND ELAINE STEELE; §

JANICE STOKES; JO ANN STEVENS; PAUL AND §  
 SANDRA STUDE; ANDREW AND JAMIE §  
 SWALLOWS; GREGORY AND LISA SWIFT; §  
 GREGORY THOMPSON; MICHAEL AND DARLENE §  
 TITA; SCOTT TOLER; ROBERT TONACHIO; §  
 JAMES AND KATHERINE TORRENCE; §  
 JOHN AND MARJORIE TURNER; FRANK §  
 URFFER; MARK WADE; BRYAN AND KIM §  
 WALKER; MARTY WALLACE AND CARL §  
 STUMP; JAMES AND SHANNON WALMSLEY; §  
 MICHAEL AND DENISE WEBB; SHANE AND §  
 TIFFANY WHITTENBARGER; JAMES §  
 WILLIAMS; SHAY WILLIAMS; STEVEN AND §  
 CAROL WILLIAMS; JEREMIAH AND §  
 JESSICA WOODY; JOSH AND LISA WOODY; §  
 RAMONA WORLEY; VICTOR AND MARCIA §  
 ZAMMIT; DAVID SHANE AND CRYSTAL §  
 TARA ABBOTT; BENJAMIN S. ADAMS, JR. §  
 ELIZABETH ADAMS; NANCY ADAMS; MELISSA §  
 ALLEN; CARL D. AND PATRICIA A. §  
 ALEXANDER; CARL A. AND SHARON KAY §  
 AUSTIN, JR.; JEFFREY DALE AND CONNIE L. §  
 AYLES; ELIZABETH T. BAKER; JAMES W. AND §  
 NICOLE BARRY; KENNETH E. BARRY; ROBERT §  
 T. AND LOUANNE S. BENNETT; RONALD BERRY; §  
 MICHAEL AND NATASCHA BIVENS; §  
 MARY MARGARET BLANCHARD; §  
 CHARLES BOLDEN; DAVID BOLT; §  
 VICTORIA BOWERS; JOHNNIE R. AND §  
 DARLENE BOWLIN; JAMES AND GLADYS §  
 BRACEY; ANDREA BRADLEY; LARRY E. §  
 AND LISA K. BROWN; KAREN BUELL; §  
 RICHARD CANTRELL; TRAVIS M. §  
 CANTRELL; HERSHEL AND DARLENE §  
 CARDER; DARRELL M. AND ELLEN D. §  
 CARLTON; EDWARD AND JANET §  
 CARMACK; ANGELA CARRELLI; JOE ED §  
 CHESSEY; KEITH AND ANDREA CHRISTIE; §  
 ROBERT A. CHRISTIE; STEVE CHRISTIE; §  
 DONALD D. AND KATHLEEN M. CLARK; §  
 DARREN AND CHRISTINE CLOUGH; JACK §  
 CLOUGH; JEFFREY L. COBB; RICHARD AND §  
 MARGARET COLE; LONNIE COLLIER; §  
 EARL A. AND MARY E. COOK; ISSAC DALE §  
 DAWSON; DHURVA L. AND ROHIK AMIN §  
 DESAI; BETTY DICKEY; PHILLIP AND §

AUDREY DRANGER; LUTHER D. DUNN AND §  
 MARGIE V. DUNN; ROBERT DOUG §  
 EDGEMON; LYNDA ELLIOTT; HANNAH §  
 ELLIS; WILLIAM ELLIS; JOHN AND PATTI S. §  
 ETTIEN; MICHAEL A. FRANCIS; ROBERT A. §  
 FRANCIS, III; CHRISTOPHER GALANTE; §  
 DIRK GARDNER; BARBARA D. GARRISON; §  
 ANDREW GECELOSKY; PACE AND GLENNA §  
 GOLSTON; ROADY AND EDDI GOLDSTON; §  
 J. GLENN AND BERRY L. GREER; TOM. SR., AND §  
 DOLORES GRIZZARD; TOM I., JR., AND LISA §  
 GRIZZARD; GARY AND GLORIA GUINN; §  
 JAMES E. HALL; REX HARMON; JASON AND §  
 TONYA HELMS; EDWARD G. HENDRICKSON; §  
 STEVE AND CONNIE HENDRICKSON; CAILA §  
 HENLEY; MICHAEL AND VICKI HENLEY; LILA §  
 HENRY; RICHARD AND MARJORIE HETTRICK; §  
 WANDA HOVATER; WAYNE AND JOANNE §  
 HOVATER; DEBORAH HOWARD; JETHRO J. §  
 AND PATRICIA H. HOWELL; LESLIE RAE §  
 HUNT; GARY D. AND FRANCES B. INMAN; §  
 DARYL N. AND CAROLE JAMES; §  
 THOMAS AND LINDA JENDROWSKI; §  
 ELIZABETH JENKINS; DAVID AND §  
 RAEZEAN JOHNSON, JR.; JAMES AND §  
 ELIZABETH JOLLY; JACK M. AND EDITH C. §  
 JONES; JERRY AND PATRICIA JULIAN; §  
 HERBERT F. AND BRENDA L. JUSTICE; TOM H. §  
 JUSTICE; ERROL W. AND KAREN SUE §  
 KEITH; PEGGY ANN KELLY; GEORGE AND §  
 DEBBIE KENNEDY; STEVE KIRKHAM; §  
 KATHY J. KOLICH; MICHAEL AND DIANE §  
 KURILLA; JUDY LADD; BARBARA LAMB; KEVIN §  
 AND SHERRY LEDFORD; JEFFERSON LEEPER; §  
 WILLIAM AND MARYANNE LYSETT; §  
 LOWELL P. MALMQUIST; PAUL D. MARTIN; §  
 KENNETH AND NANCY MAYFIELD; §  
 ALVIN EUGENE AND ROBIN MCCLURE; §  
 BARBARA MCCOIN, SARAH MCCOIN AND §  
 MCCOIN FAMILY REVOCABLE TRUST; ROBERT §  
 M. AND SUSAN MCCOMBS; WILLIAM AND §  
 DONNA MCGINNIS; JAMES AND CYNTHIA §  
 MCKAY; LT. COL. DON MCKINNEY, DARLENE §  
 RANDOLPH (DECEASED), AND KIM RANDOLPH; §  
 KATHERINE MILLER; MELVIN C. MILLER, JR.; §  
 EDWARD AND TERESA MORAN; JULIAN G. AND §

RUTH P. MORTON; MOSLER FAMILY 1, LLC; §  
WILLA DEAN MOWERY; REBECCA §  
MURDOCK; GREGGORY P. AND CYNTHIA §  
MUSSON; THOMAS A. AND MELISSA G. §  
NATARO; JAMES A. AND LYNDIA NEAL; §  
STEVE NEPERUD; LIESELOTTE O'BRIEN; §  
MICHAEL AND ANGELA O'BRIEN; SAM §  
AND NANCY OWINGS; ROBERT S. AND §  
JANE PARKER, JR.; YASHWANT PATEL; §  
DANA AND SALLY PETERKA; ROBERT W. §  
AND CONSTANCE V. PETERSON; WILLIAM E. §  
PHILLIPS; DAVID A. AND SYBLE J. POOLE; §  
MICHAEL AND BEVERLY POWERS; BOBBY G. §  
AND BETTY L. RATLIFF; ALTON AND MOLLY §  
RICHARDS; RICHARD C. ROBERTSON; §  
WILLIAM NORRIS AND WENDY ROBINSON; §  
SCOTT AND LISA ROLIK; DONNA E. §  
RUSSELL; LAWRENCE AND SHARON §  
RYCZEK; HAZEL SAPPS; EVELYN §  
SATTERFIELD; CHARLES S. SCARBOROUGH; §  
W. SCOTT AND MELISSA SCARBROUGH; §  
DON AND JULIA SCRUGGS; JUDY SHAW; §  
JERRY AND LYNN SHEPHERD; DAVID AND §  
MARY K. SKINNER; LAWRENCE AND §  
JANET STEIDLE; JERRY R. AND §  
CHARLOTTE S. STEPHENS; S.C. AND §  
PATRICIA STINNETT; NORMAN AND MARILYN §  
STOMBAUGH; CHARLOTTE STRANDBERG; §  
ELIZABETH LEEPER STUART; JOHN SUBLETT; §  
SHAWN AND KRISTI TALLENT; SARAH LEEPER §  
TATE; THE ADGA SEABOLT TRUST; GARY §  
THOMAS; THOMAS AND LINDA THOMPSON; §  
RICKY AND GINA TOLIFSON; KINNON AND §  
JOEANN TURNER; MARK S. TUURI; HAROLD §  
UNDERWOOD; BILL AND GERRY VERMILLION; §  
LEON WALDEN, JR.; FLOYD AND FREIDA §  
WALKER; DAVID H. WALLS AND WALLS & §  
ASSOCIATES; LAURA LEEPER WAYNICK; §  
SANDRA WEAVER; GREG WHITE; SUSI WHITE; §  
M.C. AND TERI C. WIEST, JR.; ROBERT O. AND §  
CATHY WILLIS; TIM WILSON; JOSEPH K. §  
WING; PAUL R. AND JOBY WINTER, JR.; §  
KEEN WONG; HERMAN WOODS; MONA §  
GARDNER WRIGHT; §

Plaintiffs, §

v.  
TENNESSEE VALLEY AUTHORITY,  
Defendant.

§  
§  
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## **COMPLAINT**

### **I. INTRODUCTION**

1. Plaintiffs file this Complaint against Tennessee Valley Authority (“TVA”) for injuries to their businesses and property caused by the TVA’s preventable release of over 1 billion gallons of coal sludge from an impoundment at its Kingston Fossil Plant into the environment on December 22, 2008 (“12/22”).

2. The coal ash spill was roughly 3 times the volume of the BP oil spill in the Gulf of Mexico.

3. The United States Environmental Protection Agency has said that the disaster at Kingston is the worst environmental disaster of its type and TVA’s own CEO, Tom Kilgore, has called it a “catastrophe.”

4. The coal ash impoundment was in the exclusive control of TVA at all relevant times.

5. TVA operated the impoundment under an NPDES permit which required it to “properly operate and maintain all facilities and systems for collection and treatment, and expressly prohibits overflows of wastes to land or water from any portion of the collection, transmission, or treatment systems other than through permitted outfalls.” EPA Administrative Order, Docket No. CERCLA-04-2009-3766.

6. In the years leading up to the disaster, among other things, TVA failed to properly construct, maintain and inspect the impoundment, or to train its employees in the applicable policies and procedures regarding the maintenance and inspection of the coal ash impoundment at the Kingston Fossil Plant (commonly known as the Kingston Steam Plant, Kingston Fossil Plant, or “KIF”). The Court, in related actions, has found that these acts were non-discretionary acts for which TVA can be held liable. (The Plaintiffs in the related actions asserted that TVA is not entitled to discretionary function immunity.)

7. The catastrophic spill was foreshadowed by a string of warning signs of impoundment failure and prior near misses at the Kingston facility. TVA nevertheless continued its course of conduct, ignoring these red flags.

8. TVA’s long history of flagrant disregard for safety was done with willful, wanton and reckless indifference to the disastrous results that were sure to follow.

9. TVA’s flagrant disregard for safety and the environment, and the people in the communities surrounding the facility, is consistent with TVA’s sub-standard corporate culture, where accountability is passed through one person to the next without ever being accepted.

10. Also consistent with this corporate culture, in the related actions TVA has adamantly denied liability, claiming that none of its non-discretionary acts caused or contributed to the disaster or any damages. This denial of liability is simply another example of TVA’s unwillingness to be accountable and accept responsibility for the catastrophe.

11. Because TVA continues to deny any responsibility for the catastrophe and continues to deny that it caused any damage to Plaintiffs, a liability trial in related

matters was held before this Court from September 19, 2011 through October 12, 2011.

Throughout the trial, TVA denied that there was anything that it could have done to prevent the disaster.

12. Indeed, TVA hired an expert witness, William Walton, to testify that there was a supposed “slime layer” that TVA could not have known about that was the alleged trigger for the failure. Even if this were true, which Plaintiffs in this and the related actions dispute, the impoundment was in TVA’s control at all times and there was nothing preventing TVA from discovering the so-called “slime layer” at any time prior to the disaster. Indeed, if TVA had properly maintained, inspected, and constructed the impoundment, it would have determined the nature of the foundation of the impoundment and would have detected any problems, including the existence of any so-called “slime layer.”

13. Plaintiffs maintain that the “slime layer” was predetermined by TVA and its expert in order to provide TVA with an excuse so that it could refuse to accept responsibility for its conduct that resulted in the catastrophe.

14. TVA’s own Inspector General concluded that “Tagging the ‘slime layer’ as the triggering mechanism for the Kingston Spill is fortuitous” and “suspect” because TVA sought to use it to allow management to avoid accountability. TVA Office of Inspector General Inspection Report 2008-12283-02, page 18 (July 23, 2009),

15. Marshall Miller, who was retained by the TVA OIG, and Plaintiffs’ expert, Dan Marks, said that even if the slime layer was potentially associated with the failure, it was only associated, if at all, along with other probable root causes of equal or greater significance which independently substantially contributed to the catastrophe.



16. Mr. Walton even admitted in his trial testimony that first and foremost the buildup of water within the impoundment dikes was what triggered Mr. Walton's "slime layer" to trigger the failure.

17. TVA's OIG concluded that TVA had management problems that resulted in the spill, including: (1) a failure to implement recommended corrective actions that could possibly have prevented the Kingston Spill; (2) the lack of policies and procedure; (3) poor maintenance; (4) the lack of specialized training; (5) multiple organizational structure changes; (6) inadequate communication; and (7) a failure to follow engineering best practices. OIG Report at 31.

18. Coal waste contains corrosive, carcinogenic, radioactive, hazardous, and/or toxic materials, including lead, mercury, arsenic, thallium, beryllium, boron, cadmium, chromium, manganese, molybdenum, nickel, selenium, and zinc. The catastrophe unleashed these toxins into the environment.

19. Miles of river were closed to fishing, swimming and boating as a result of the contamination by the ash and to facilitate the "clean up" of the ash.

20. Still, ash remains in the water and on the bottom of the Emory, Clinch and Tennessee rivers, and can never be fully cleaned up. TVA has acknowledged this fact.

21. Plaintiffs, many of whom depended on the appeal of the Watts Bar Reservoir to attract those seeking to live near the water for their livelihood, were financially vulnerable to TVA's conduct.

22. Instead of being known as a peaceful and beautiful retirement and recreation destination, Kingston is now much better known as ground zero of the largest environmental catastrophe in the United States.

23. The substantial investments that Plaintiffs have made in Kingston and in the local real estate market there have been destroyed.

24. The catastrophe has caused, and continues to cause, devastating environmental damage and has caused Plaintiffs millions of dollars in damage to their property, and in some cases, to their income and business.

25. TVA constructed, owned, maintained, operated and inspected the impoundment, and bears full responsibility for the disaster and the damages it has caused.

26. TVA's conduct leading up to the disaster was negligent, reckless, willful and wanton, and in complete disregard for the health, safety and property of Plaintiffs and their community.

27. As a result of TVA's wrongful actions, Plaintiffs' properties have been physically marred, contaminated, stigmatized and/or rendered valueless or drastically reduced in value, either permanently or temporarily, if not wholly destroyed. Plaintiffs' businesses that rely on the appeal of the Watts Bar Lake and the environmental quality of the area have been decimated. This suit therefore seeks monetary damages for the diminution of the value Plaintiffs' real properties; financial losses of their businesses; the loss of use and/or enjoyment of property and surroundings; and aggravation and inconvenience suffered by Plaintiffs.

28. The release of the coal ash sludge, which is a solid waste as defined in the federal Solid Waste Disposal Act and/or Resource Conservation and Recovery Act ("RCRA") and Tennessee state law, constitutes a reckless, intentional and/or illegal disposal of solid waste on the properties of Plaintiffs and in publicly used areas, including navigable waterways.

29. The impoundment and/or continued impoundment of coal ash sludge waste at KIF is an illegal, open dump of solid waste in violation of state and/or federal law, including RCRA.

30. TVA's release of the coal ash sludge and/or other wastes also violates other federal environmental laws, including the Clean Water Act, and Tennessee state law, including the Tennessee Water Quality Control Act.

## **II. JURISDICTION.**

31. Plaintiffs were and/or are owners of businesses and/or real property in the vicinity of the TVA KIF facility, and/or were and/or are residents of that area.

32. This Court has original federal question jurisdiction over claims against TVA pursuant to 28 U.S.C. §§ 1331, 1337. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District and a substantial part of property that is the subject of the action is situated in this District. TVA has substantial contacts in the Eastern District of Tennessee, as its principal executive offices are located in Knoxville. TVA's Kingston Fossil Plant is located in the city of Kingston in Roane County, Tennessee, and is thus located within the geographical boundary of the Eastern District of Tennessee.

## **III. PARTIES.**

33. Julian Ahler owns property located at 1211 North Kentucky Street, Kingston, Tennessee and 1213 North Kentucky Street, Kingston, Tennessee. Julian Ahler owned this property on December 22, 2008.

34. Julian Ahler also owns a 37 acre lot surrounding/abutting 940 Swan Pond Circle Road, Harriman, Tennessee. Julian Ahler owned this property on December 22, 2008.

35. Diana Anderson owns property located at 364 Emory River Road, Harriman, Tennessee. Diana Anderson owned this property on December 22, 2008.

36. Lisa Anderson owns property located at 309 Windswept Lane, Kingston, Tennessee. Lisa Anderson owned this property on December 22, 2008.

37. Dunevant and Sharon Andrews own property located at 429 Swan Pond Circle Road, Harriman, Tennessee. Dunevant and Sharon Andrews owned this property on December 22, 2008.

38. Ray and Linda Andrews own property located at 2167 Sugar Grove Valley Road in Harriman, Tennessee. Ray and Linda Andrews owned this property on December 22, 2008.

39. Ray and Linda Andrews also own property located at 2173 Sugar Grove Valley Road, Harriman, Tennessee. Ray and Linda Andrews owned this property on December 22, 2008.

40. Carl and Sharon Austin own property located at 1228 River Oaks Drive, Kingston, Tennessee. Carl and Sharon Austin owned this property on December 22, 2008.

41. Andrew Avel and Micki Anderson own property located at 133 Osprey Way, Harriman, Tennessee. Andrew Avel and Micki Anderson owned this property on December 22, 2008.

42. Mark and Patsy Barton own property located at 2418 Sugar Grove Valley Road, Harriman, Tennessee. Mark and Patsy Barton owned this property on December 22, 2008.

43. Kelly and Sudie Beierschmitt own property located at 1015 Northbridge Close, Kingston, Tennessee. Kelly and Sudie Beierschmitt owned this property on December 22, 2008.

44. Jeff and Lisa Black own property located at 1010 Northbridge Close, Kingston, Tennessee. Jeff and Lisa Black owned this property on December 22, 2008.

45. John and Sally Boldman own property located at 1027 Sheerwater Road, Kingston, Tennessee. John and Sally Boldman owned this property on December 22, 2008.

46. Lawrence Bornstein owns property located at 121 Mariner's Point, Kingston, Tennessee. Lawrence Bornstein owned this property on December 22, 2008.

47. Rita and Mark Boyd own property located at 1273 Swan Pond Circle, Harriman, Tennessee. Rita and Mark Boyd owned this property on December 22, 2008.

48. Wiley and Ashlee Brackett own property located at 2135 Decatur Highway, Kingston, Tennessee. Wiley and Ashlee Brackett owned this property on December 22, 2008.

49. Stacie Bradshaw resides on property located at 107 Steven Lane, Harriman, Tennessee. Stacie Bradshaw resided on this property on December 22, 2008.

50. John Brandau and Jacquelin Rylander own property located at 619 Culvahouse Lane, Ten Mile, Tennessee and an adjacent lot on Culvahouse Lane, Ten Mile, Tennessee. John Brandau and Jacquelin Rylander owned this property on December 22, 2008.

51. Robert and Susan Brissinger own property located at 1112 Swan Pond Circle, Harriman, Tennessee. Robert and Susan Brissinger owned this property on December 22, 2008.

52. Howard and Sarah Brown own property located at 400 Lakewood Road, Kingston, Tennessee. Howard and Sarah Brown owned this property on December 22, 2008.

53. Jason and Sarah Brown own property located at 612 The Battery, Kingston, Tennessee. Jason and Sarah Brown owned this property on December 22, 2008.

54. Jason and Sarah Brown also own property located at Lot 26, Chestnut Ridge, Smith Hill Lane, Kingston, Tennessee. Jason and Sarah Brown owned this property on December 22, 2008.

55. Ralph and Carol Brown own property located at 1146 Circle Drive, Kingston, Tennessee. Ralph and Carol Brown owned this property on December 22, 2008.

56. Charles Brumley owns property located at: Lot 38, Emory River Pointe Phase 1, Emory River Road, Harriman, Tennessee; Lot 39, Emory River Pointe Phase 1, Emory River Road, Harriman, Tennessee and Lot 40, Emory River Pointe Phase 1, Emory River Road, Harriman, Tennessee. Charles Brumley owned this property on December 22, 2008.

57. Ronald and Elisa Bryan own property located at Lot 51, Ladd Landing, The Battery, Kingston, Tennessee. Ronald and Elisa Bryan owned this property on December 22, 2008.

58. Eric and Sarah Bullington own property located at 203 Indigo Bunting Drive, Harriman, Tennessee. Eric and Sarah Bullington owned this property on December 22, 2008.

59. Phyllis Burns owns property located at 113 Osprey Way, Harriman, Tennessee. Phyllis Burns owned this property on December 22, 2008.

60. Walter and Patricia Butler own property located at 119 Emory Cove Drive, Harriman, Tennessee. Walter and Patricia Butler owned this property on December 22, 2008.

61. Betsy Canari owns property located at Lot 3, Ladd Landing, Sheerwater Road, Kingston, Tennessee. Betsy Canari owned this property on December 22, 2008.

62. David and Cynthia Chrisco own property located at Lot 171, Ladd Landing, High Street, Kingston, Tennessee. David and Cynthia Chrisco owned this property on December 22, 2008.

63. William and Bettie Clements own property located at 103 Lakewood Landing, Kingston, Tennessee. William and Bettie Clements owned this property on December 22, 2008.

64. Jan Cofer and Harolene Howell own property located at Lot 12, Docks at Caney Creek, Serenity Drive, Kingston, Tennessee. Jan Cofer and Harolene Howell owned this property on December 22, 2008.

65. Donald and Una Coffman own property located at 304 Windswept Lane, Kingston, Tennessee. Donald and Una Coffman owned this property on December 22, 2008.

66. Ian and Sabrina Cullen own property located at 219 Ferguson Lane, Kingston, TN. Ian and Sabrina Cullen owned this property on December 22, 2008.

67. Richard and Anne Dabbs own property located at 408 Lakewood Road, Kingston, Tennessee and 410 Lakewood Road, Kingston, Tennessee. Richard and Anne Dabbs owned this property on December 22, 2008.

68. Patra Dabbs owns property located at 410 Lakewood Road, Kingston, Tennessee. Patra Dabbs owned this property on December 22, 2008.

69. Barry and Lynne Dailey own property located at 141 Highland Reserve Way, Kingston, Tennessee. Barry and Lynne Dailey owned this property on December 22, 2008.

70. Teresa Davis owns property located at 525 Emory River Road, Harriman, Tennessee. Teresa Davis owned this property on December 22, 2008.

71. Michael and Maureen Dawson own property located at Lot 155, Grand Vista Bay, East Shore Drive, Rockwood, Tennessee. Michael and Maureen Dawson owned this property on December 22, 2008.

72. Ronald Dills owns property located at 104 Steven Lane, Harriman, Tennessee. Ronald Dills owned this property on December 22, 2008.

73. Penny Dodson resided on property located at 502 Swan Pond Circle, Harriman, Tennessee. Penny Dodson resided on this property on December 22, 2008.

74. Keith and Wendy Downen own property located at 894 Skyline Drive, Harriman, Tennessee. Keith and Wendy Downen owned this property on December 22, 2008.



75. Bruce and Candy Duncan own property located at 118 Lakeview Church Lane, Harriman, Tennessee. Bruce and Candy Duncan owned this property on December 22, 2008.

76. Marc and Mary Duvivier own property located at map 048H, parcel 005.00, The Battery, Kingston, Tennessee. Marc and Mary Duvivier owned this property on December 22, 2008.

77. Danny and Linda Edwards own property located at 973 Swan Pond Circle, Harriman, Tennessee. Danny and Linda Edwards owned this property on December 22, 2008.

78. Roy and Laura Fisher own property located at 304 Indigo Bunting Drive, Harriman, Tennessee. Roy and Laura Fisher owned this property on December 22, 2008.

79. Todd and Joy Fisher own property located at 1019 Sheerwater Road, Kingston, Tennessee. Todd and Joy Fisher owned this property on December 22, 2008.

80. Charles Gabbard and Ronald Seagren owns property located at 1200 Indian Shadows Drive, Ten Mile, Tennessee and 24 acres off Bowman Bend Road, Kingston, Tennessee. Charles Gabbard and Ronald Seagren owned this property on December 22, 2008.

81. James and Donna Gann own property located at 126 Indigo Bunting Drive, Harriman, Tennessee and Chain Fern Court (Swan Pond Harbour Unit 1 Add), Harriman, Tennessee. James and Donna Gann owned this property on December 22, 2008.

82. Charles Gibson owns property located at 814 Emory Heights Road, Harriman, Tennessee. Charles Gibson owned this property on December 22, 2008.

83. Richard and Donna Girman own property located at 609 The Battery, Kingston, Tennessee. Richard and Donna Girman owned this property on December 22, 2008.

84. Daniel and Carol Gitre own property located at Lot 413, Grande Vista Bay, Thief Neck View Pointe, Rockwood, Tennessee and Lot 422, Grande Vista Bay, West Mountain Drive, Rockwood, Tennessee. Daniel and Carol Gitre owned this property on December 22, 2008.

85. Thomas and Jolaine Goldman own property located lot 181, Ladd Landing, High Street, Kingston, Tennessee. Thomas and Jolaine Goldman owned this property on December 22, 2008.

86. Joe and Toni Haba own property located at 508 Kings Close, Kingston, Tennessee. Joe and Toni Haba owned this property on December 22, 2008.

87. Jon Hall owns property located at 240 Hood Drive, Kingston, Tennessee. Jon Hall owned this property on December 22, 2008.

88. Jack and Sheila Haney own property located at 428 High Street, Kingston, Tennessee. Jack and Sheila Haney owned this property on December 22, 2008.

89. Philip and Paulette Hanson own property located at 429 High Street, Kingston, Tennessee. Philip and Paulette Hanson owned this property on December 22, 2008.

90. Ross and Mary Harding own property located at 125 Emory Cove Drive, Harriman, Tennessee. Ross and Mary Harding owned this property on December 22, 2008.

91. Ronald and Barbara Harmon own property located at 120 Steven Lane, Harriman, Tennessee. Ronald and Barbara Harmon owned this property on December 22, 2008.

92. Thomas and Christie Harrill own property located at 123 Steven Lane, Harriman, Tennessee. Thomas and Christie Harrill owned this property on December 22, 2008.

93. Jerry Helms owns property located at 121 Osprey Way, Harriman, Tennessee. Jerry Helms owned this property on December 22, 2008.

94. Eva Hewitt resided on property located at 1025 Swan Pond Circle, Harriman, Tennessee. Eva Hewitt resided on this property on December 22, 2008.

95. David and Marilyn Heys own property located at: Lot 33, Ladd Landing, Kings Close, Kingston, Tennessee and 509 Kings Close, Kingston, Tennessee. David and Marilyn Heys owned this property on December 22, 2008.

96. Lee and Dianne Hiteshew own property located at Lot 20, Emory Pointe Lane, Harriman, Tennessee. Lee and Diana Hiteshaw owned this property on December 22, 2008.

97. Donald and Gloria Hutcherson own property located at Lot 12, Ladd Landing, Sheerwater Road, Kingston, Tennessee. Donald and Gloria Hutcherson owned this property on December 22, 2008.

98. Jason and Kristi Jackson owned property located at 1128 Swan Pond Circle Road, Harriman, Tennessee. Jason and Kristi Jackson owned this property on December 22, 2008.

99. Herbert and Brenda Justice own property located at 2379 Sugar Grove Valley, Harriman, Tennessee. Herbert and Brenda Justice owned this property on December 22, 2008.

100. Jerry and Connie Kelley owned property located at 638 Swan Pond Circle, Harriman, Tennessee. Jerry and Connie Kelley owned this property on December 22, 2008.

101. Gary King owns property located at 2151 Sugar Grove Valley, Harriman, Tennessee. Gary King owned this property on December 22, 2008.

102. Brian and Cindy Klump owned property located at 165 Lakecrest Drive, Harriman, Tennessee. Brian and Cindy Klump owned this property on December 22, 2008.

103. James R. Kokones and LaRene H. Kokones, as co- trustees, and LaRene H. Kokones Trust own property located at Lot 5, Ladd Landing, Sheerwater Road, Kingston, Tennessee. James R. Kokones and LaRene H. Kokones, as co- trustees, and LaRene H. Kokones Trust owned this property on December 22, 2008.

104. Adam and Jessica Langley own property located at 105 Emory Cove Drive, Harriman, Tennessee. Adam and Jessica Langley owned this property on December 22, 2008.

105. Mark and Jan Lazarus own property located at map 048H, parcel 010.00, The Battery, Kingston, Tennessee. Mike Lazarus owned this property on December 22, 2008.

106. Harry and Marsha Lenz own property located at 125 Turkey Ridge Road, Rockwood, Tennessee. Harry and Marsha Lenz owned this property on December 22, 2008.

107. Thomas and Sarah Littlefield own property located at: lots 36, 37, 38, Kings Close, Ladd Landing, Kingston, Tennessee; lot 45, The Battery, Ladd Landing, Kingston, Tennessee and lot 48, The Battery, Ladd Landing, Kingston, Tennessee. Thomas and Sarah Littlefield owned this property on December 22, 2008.

108. Richard and Vicky Long own property located at 107 Steven Lane, Harriman, Tennessee. Richard and Vicky Long owned this property on December 22, 2008.

109. Timothy and Lois Long resided on property located at 1132 Swan Pond Circle, Harriman, Tennessee. Timothy and Lois Long resided on this property on December 22, 2008.

110. Bruce and Rosemary MacMillan own property located at Lot 64, Docks at Caney Creek, Blue Heron Bluff, Harriman, Tennessee. Bruce and Rosemary MacMillan owned this property on December 22, 2008.

111. Jeremiah and Ashley McClure own property located at 606 Skyline View Lane, Harriman, Tennessee. Jeremiah and Ashley McClure owned this property on December 22, 2008.

112. Diane McKeethan owns property located at 1435 North Kentucky Street, Kingston, Tennessee. Diana McKeethan owned this property on December 22, 2008.

113. Sally Merian owns property located at 1039 Sheerwater Road, Kingston, Tennessee. Sally Merian owned this property on December 22, 2008.

114. Metropolis Investment Group, LLC owns property located at 156 Sportsman Club Road, Harriman, Tennessee. Metropolis Investment Group, LLC owned this property on December 22, 2008.

115. Robert and Jacqueline Miller own property located at 220 Alice Street, Harriman, Tennessee. Robert and Jacqueline Miller owned this property on December 22, 2008.

116. Michael and Diana Mrochek and Mrochek Investments, LP, own property located at Emory Pointe Lot 27, Harriman, Tennessee. Michael and Diana Mrochek and Mrochek Investments, LP owned this property on December 22, 2008.

117. Rebecca Murdock owns property located at 2145 Sugar Grove Valley Road, Harriman, Tennessee. Rebecca Murdock owned this property on December 22, 2008.

118. Nick and Pam Nichols own property located at 2262 Bluff Road, Harriman, Tennessee. Nick and Pam Nichols owned this property on December 22, 2008.

119. Joseph and Barbara Novak own property located at 431 High Street, Kingston, Tennessee. Joseph and Barbara Novak owned this property on December 22, 2008.

120. Larry Ogle and Jo Ann Ogle own property on Watts Bar Lake located at 330 Bowers Road, Harriman, Tennessee. Larry Ogle and Jo Ann Ogle owned this property on December 22, 2008.

121. Tyler and Laura Overstreet own property located at: 747 Bowman Bend Road, Harriman, Tennessee; 805 Brown Avenue, Kingston, Tennessee; 107 Paint Rock Ferry Road, Kingston, Tennessee; map 058, parcel 023.00, Kentucky Street, Kingston, Tennessee; map 46L, parcel 009.01 Bailes Avenue and map 46L, parcel 024.00, Skyline

View Drive, Kingston, Tennessee; map 46L, parcel 006.00, Skyline View Lane, Kingston, Tennessee; map 46E, parcel 010.00, Roane State Highway at I-40, Kingston, Tennessee; and map 46E, parcel 019.00, Roane State Highway, Kingston, Tennessee. Tyler and Laura Overstreet owned this property on December 22, 2008.

122. Tyler and Laura Overstreet also own property located at map 47I, parcels 1.00 and 1.01, Race Street, Kingston, Tennessee. Tyler and Laura Overstreet owned this property on December 22, 2008.

123. Rachel Parker owns property located at: 1103 South Kentucky Street, Kingston, Tennessee; Skyline Drive (off Highway 70), Kingston, Tennessee and 1191 New Midway Road, Kingston, Tennessee. Rachel Parker owned this property on December 22, 2008.

124. Alex Patton owns property located at 406 Lakewood Road, Kingston, Tennessee. Alex Patton owned this property on December 22, 2008.

125. Anthony and Lois Perrone own property located at Lot 82, Ladd Landing, Northbridge Close, Kingston, Tennessee. Anthony and Lois Perrone owned this property on December 22, 2008.

126. Adam and Charlotte Phillips own property located at 207 Quarry Road, Harriman, Tennessee. Adam and Charlotte Phillips owned this property on December 22, 2008.

127. Ula Juanita Phillips owns property located at 348 Bowman Bend Road, Harriman, Tennessee. Ula Juanita Phillips owned this property on December 22, 2008.

128. Mark and Judie Powers owned property located at 561 Margrave Street, Harriman, Tennessee. Mark and Judie Powers owned this property on December 22, 2008.

129. Thomas and Rita Price own property located at 175 Bradley Lane, Harriman, Tennessee. Thomas and Rita Price owned this property on December 22, 2008.

130. Tamara Prince own property located at lot 120, Grand Vista Bay East, East Shore Drive, Rockwood, Tennessee. Tamara Prince and Mary Prince owned this property on December 22, 2008.

131. William and Jody Pritchard own property located at lot 47, Ladd Landing, The Battery, Kingston, Tennessee. William and Jody Pritchard owned this property on December 22, 2008.

132. Robert and Lynn Quimby own property located at 374 Emory River Road, Harriman, Tennessee. Robert and Lynn Quimby owned this property on December 22, 2008.

133. F.R. and Melva Reed own property located at 1208 Cove Lane, Kingston, Tennessee. F.R. and Melva Reed owned this property on December 22, 2008.

134. Bobby and Bernadette Renfro own property located at 302 Lake Street, Harriman, Tennessee. Bobby and Bernadette Renfro owned this property on December 22, 2008.

135. Thomas and Sharon Repp own property located at lot 83, Docks at Caney Creek, Serenity Drive, Harriman, Tennessee. Thomas and Sharon Repp owned this property on December 22, 2008.



136. Dallas T. Reynolds, Jr. and Judith Reynolds own property located at 630 The Battery, Kingston, Tennessee. Dallas T. Reynolds, Jr. and Judith Reynolds owned this property on December 22, 2008.

137. Farouk Samona owns property located at map 066J, parcel 008.00, Docks of the Bay Drive, Kingston, Tennessee. Farouk Samona owned this property on December 22, 2008.

138. Jalel Samona owns property located at map 066G, parcel 022.00, Docks of the Bay Drive, Kingston, Tennessee. Jalel Samona owned this property on December 22, 2008.

139. Khairi Samona owns property located at map 066G, parcel 004.00, Scenic View Lane, Kingston, Tennessee and map 066O, parcel 005.00, Serenity Drive, Kingston, Tennessee. Khairi Samona owned this property on December 22, 2008.

140. Khairi Samona and Mukhles Samona owns property located at map 066J, parcel 010.00, Docks of the Bay Drive, Kingston, Tennessee. Khairi Samona and Mukhles Samona owned this property on December 22, 2008.

141. Majid Samona owns property located at map 066G, parcel 003.00, Scenic View Lane, Kingston, Tennessee and map 066G, parcel 003.00, Docks of the Bay Drive, Kingston, Tennessee. Majid Samona owned this property on December 22, 2008.

142. Mukhles Samona owns property located at: map 066G, parcel 011.00, Scenic View Lane, Kingston, Tennessee; map 066J, parcel 012.00, Meadow Lane, Kingston, Tennessee and map 066J, parcel 004.00, Docks of the Bay Drive, Kingston, Tennessee. Mukhles Samona owned this property on December 22, 2008.

143. Ragheed Samona owns property located at: map 066J, parcel 019.00, Docks of the Bay Drive, Kingston, Tennessee; map 066J, parcel 020.00, Docks of the Bay Drive, Kingston, Tennessee and map 066G, parcel 015.00, Meadow Lane, Kingston, Tennessee. Ragheed Samona owned this property on December 22, 2008.

144. Shahla Samona owns property located at map 066J, parcel 023.00, Scenic View Lane, Kingston, Tennessee. Shahla Samona owned this property on December 22, 2008.

145. Zuhair Samona owns property located at map 066G, parcel 002.00, Scenic View Lane, Kingston, Tennessee. Zuhair Samona owned this property on December 22, 2008.

146. Ikhlas Kashat owns property located in Kingston, Tennessee. Ikhlas Kashat owned this property on December 22, 2008.

147. Amir Samona owns property located in Kingston, Tennessee. Amir Samona owned this property on December 22, 2008.

148. Matthew and Cindy Scherr own property located at 207 Blue Herron Drive, Harriman, Tennessee. Matthew and Cindy Scherr owned this property on December 22, 2008.

149. Charles and Elizabeth Schwepfinger own property located at 940 Swan Pond Circle Road, Harriman, Tennessee. Charles and Elizabeth Schwepfinger owned this property on December 22, 2008.

150. Elizabeth Schwepfinger also owns a 37 acre lot surrounding/abutting 940 Swan Pond Circle Road, Harriman, Tennessee. Elizabeth Schwepfinger owned this property on December 22, 2008.

151. John and Anne Sebesta own property located at 119 Highland Reserve Way, Kingston, Tennessee and 155 Highland Reserve Way, Kingston, Tennessee. John and Anne Sebesta owned this property on December 22, 2008.

152. Jeff and Rowena Sharp own property located at 205 Quarry Road, Harriman, Tennessee. Jeff and Rowena Sharp owned this property on December 22, 2008.

153. Charles and Lilly Shirley own property located at 103 Eternity Pass, Harriman, Tennessee. Charles and Lilly Shirley owned this property on December 22, 2008.

154. Darrell and Loretta Smith own property located at map 27, parcel 169, Stormin Norman Drive, Harriman, Tennessee. Darrell and Loretta Smith owned this property on December 22, 2008.

155. John and Norma Smith own property overlooking Watts Bar Lake located at lot 193, Grand Vista Bay, East Shore Drive, Rockwood, Tennessee. John and Norma Smith owned this property on December 22, 2008.

156. Micah Smith owned property located at 254 Skyline Drive, Harriman, Tennessee. Micah Smith owned this property on December 22, 2008.

157. Douglas and Catherine Sparks own property located at lot 49, Ladd Landing at Kingston Reserve, The Battery, Kingston, Tennessee. Douglas and Catherine Sparks owned this property on December 22, 2008.

158. Gary Sproule owns property located at 119 Steven Lane, Harriman, Tennessee. Gary Sproule owned this property on December 22, 2008.

159. Donna Stanford and DeRhonda McClellan own property located at 2194 Sugar Grove Valley Road, Harriman, Tennessee and. Donna Stanford and DeRhonda McClellan owned this property on December 22, 2008.

160. Donna Stanford and DeRhonda McClellan owned property located at 2200 Sugar Grove Valley Road, Harriman, Tennessee. Donna Stanford and DeRhonda McClellan owned this property on December 22, 2008.

161. Kirk and Elaine Steele own property located at 402 Indigo Bunting Drive, Harriman, Tennessee. Kirk and Elaine Steele owned this property on December 22, 2008.

162. Jo Anne Stevens owns property located at 2139 Sugar Grove Valley Road, Harriman, Tennessee. Jo Anne Stevens owned this property on December 22, 2008.

163. Janice Stokes owned property located at 820 South Kentucky Street, Kingston, Tennessee. Janice Stokes owned this property on December 22, 2008.

164. Paula and Sandra Stude own property located at lot 10, Ladd Landing, Sheerwater Road, Kingston, Tennessee. Paula and Sandra Stude owned this property on December 22, 2008.

165. Andrew and Jamie Swallows own property located 1212 Swan Pond Circle, Harriman, Tennessee. Andrew and Jamie Swallows owned this property on December 22, 2008.

166. Gregory and Lisa Swift own property located at 102 Delaware Point, Ten Mile, Tennessee. Gregory and Lisa Swift owned this property on December 22, 2008.

167. Gregory Thompson owns property located at lot 113, Grand Vista Bay, East Shore Drive, Rockwood, Tennessee. Gregory Thompson owned this property on December 22, 2008.

168. Michael and Darlene Tita own property located at 154 Rebel Road, Harriman, Tennessee. Michael and Darlene Tita owned this property on December 22, 2008.

169. Scott Toler owns property on Watts Bar Lake located at 1500 Bowman Bend Road, Kingston, Tennessee. Scott Toler owned this property on December 22, 2008.

170. Robert Tonachio owns property on the Tennessee River located at 615 River Road (122 lots), Kingston, Tennessee. Robert Tonachio owned this property on December 22, 2008.

171. James and Katherine Torrence own property located at lot 26, Emory Pointe Lane, Harriman, Tennessee. James and Katherine Torrence owned this property on December 22, 2008.

172. John and Marjorie Turner own property located at lot 86, Ladd Landing, Northbridge Close, Kingston, Tennessee. John and Marjorie Turner owned this property on December 22, 2008.

173. Frank Urffer owns property located at 125 Osprey Way, Harriman, Tennessee. Frank Urffer owned this property on December 22, 2008.

174. Mark Wade owns property located at lot 12R1, Buttermilk Shore, Blackburn Lane, Lenoir City, Tennessee. Mark Wade owned this property on December 22, 2008.

175. Mark Wade owned property located at 451 Blackburn Lane, Lenoir City, Tennessee. Mark Wade owned this property on December 22, 2008.

176. Bryan and Kim Walker own property located at 114 Steven Lane, Harriman, Tennessee. Bryan and Kim Walker owned this property on December 22, 2008.

177. Marty Wallace and Carl Stump own property located at 206 Ross Estates Road, Kingston, Tennessee. Marty Wallace and Carl Stump owned this property on December 22, 2008.

178. James and Shannon Walmsley own property located at lot 52, Ladd Landing, The Battery, Kingston, Tennessee and 1011 Waterford Place, Kingston, Tennessee. James and Shannon Walmsley owned this property on December 22, 2008.

179. Michael and Denise Webb own property located at lot 53, Ladd Landing, The Battery, Kingston, Tennessee. Michael and Denise Webb owned this property on December 22, 2008.

180. Shane and Tiffany Whittenbarger own property located at 1122 Swan Pond Circle Road, Harriman, Tennessee. Shane and Tiffany Whittenbarger owned this property on December 22, 2008.

181. James Williams owns property located at 314 Lakewood Road, Kingston, Tennessee. James Williams owned this property on December 22, 2008.

182. Shay Williams owns property located at lot 162, Ladd Landing, The Battery, Kingston, Tennessee. Shay Williams owned this property on December 22, 2008.

183. Steven and Carol Williams own property located at 112 Emory Pointe Lane, Harriman, Tennessee. Steve and Carol Williams owned this property on December 22, 2008.

184. Jeremiah and Jessica Woody own property located at 1106 Pineywoods Road, Kingston, Tennessee. Jeremiah and Jessica Woody owned this property on December 22, 2008.

185. Josh and Lisa Woody own property located at 129 Kaitlyn Lane, Harriman, Tennessee. Josh and Lisa Woody owned this property on December 22, 2008.

186. Ramona Worley resides on property located at 2359 Sugar Grove Valley Road, Harriman, Tennessee. Ramona Worley resided on this property on December 22, 2008.

187. Victor and Marcia Zammit own property located at 109 Turkey Ridge, Rockwood, Tennessee. Victor and Marcia Zammit owned this property on December 22, 2008.

188. David Shane and Crystal Tara Abbott own property located at 394 Dickey Valley Road, Harriman, Tennessee. David Shane and Crystal Tara Abbott owned this property on December 22, 2008.

189. Benjamin S. Adams, Jr. owns property located at 169 Treasure Tree Road, Ten Mile, Tennessee. Benjamin S. Adams, Jr. owned this property on December 22, 2008.

190. Elizabeth Adams owns property located at 169 Treasure Tree Road, Ten Mile, Tennessee. Elizabeth Adams owned this property on December 22, 2008.

191. Nancy Adams owns property located at 169 Treasure Tree Road, Ten Mile, Tennessee. Nancy Adams owned this property on December 22, 2008.

192. Melissa Allen owns property located at 238 Sportsman Club Road, Harriman, Tennessee. Melissa Allen owned this property on December 22, 2008.

193. Carl D. and Patricia A. Alexander own property located at 243 Arrowhead Trail and Centers Ferry Road, Holiday Shores Resort, Kingston, Tennessee. Carl D. and Patricia A. Alexander owned this property on December 22, 2008.

194. Carl A. and Sharon Kay Austin, Jr. own property located at 1228 River Oaks Drive, Kingston, Tennessee. Carl A. and Sharon Kay Austin, Jr. owned this property on December 22, 2008.

195. Jeffrey Dale and Connie L. Aytes own property located at 113 Steven Lane, Harriman, Tennessee. Jeffrey Dale and Connie L. Aytes owned this property on December 22, 2008.

196. Elizabeth T. Baker owns property located at Lot 30 Emory Point Lane, Harriman, Tennessee. Elizabeth T. Baker owned this property on December 22, 2008.

197. James W. and Nicole Barry own property located at 311 Lake Street, Harriman, Tennessee. James W. and Nicole Barry owned this property on December 22, 2008.

198. Kenneth E. Barry owns property located at 129 Watson Lane, Harriman, Tennessee. Kenneth E. Barry owned this property on December 22, 2008.

199. Robert T. and Louanne S. Bennett reside on property located at 261 Bennett Drive, Spring City, Tennessee. Robert T. and Louanne S. Bennett resided on this property on December 22, 2008.

200. Ronald Berry owns property located at 186 Emerald Lane, Rockwood, Tennessee. Ronald Berry owned this property on December 22, 2008.



201. Michael and Natascha Bivens own property located at 114 Bullard Ford Road, Harriman, Tennessee. Michael and Natascha Bivens owned this property on December 22, 2008.

202. Mary Margaret Blanchard owns property located at 100 Steven Lane, Harriman, Tennessee. Mary Margaret Blanchard owned this property on December 22, 2008.

203. Charles Bolden owns property located at Lots 12, 13, and 14 Sportsman Club, Harriman, Tennessee. Charles Bolden owned this property on December 22, 2008.

204. David Bolt owns property located at 2315 Sugar Grove Valley Road, Harriman, Tennessee. David Bolt owned this property on December 22, 2008.

205. Lawrence and Sally J. Bornstein own property located at 121 Mariners Point and #10 High Pointe Village Way, Kingston, Tennessee. Lawrence and Sally J. Bornstein owned this property on December 22, 2008.

206. Victoria Bowers owns property located at 128 Helton Vohko Sky Lane, Kingston, Tennessee. Victoria Bowers owned this property on December 22, 2008.

207. Johnnie R. and Darlene Bowlin own property located at 461 Swan Pond Circle, Harriman, Tennessee. Johnnie R. and Darlene Bowlin owned this property on December 22, 2008.

208. James and Gladys Bracey own property located at 1465 Eagle Furnace Road and adjacent lot, Rockwood, Tennessee. James and Gladys Bracey owned this property on December 22, 2008.

209. Andrea Bradley owns property located at 469 Tennessee Chaple Circle, Kingston, Tennessee. Andrea Bradley owned this property on December 22, 2008.

210. Larry E. and Lisa K. Brown own property located at Clinchcrest Drive, Kingston, Tennessee. Larry E. and Lisa K. Brown owned this property on December 22, 2008.

211. Karen Buell resides on property located at 1359 Byrd Circle, Kingston, Tennessee. Karen Buell Resided on this property on December 22, 2008.

212. Richard Cantrell resided on property located at 3060 W. Wolf Valley Road, Harriman, Tennessee. Richard Cantrell Resided on this property on December 22, 2008.

213. Travis M. Cantrell resided on property located at 3060 W. Wolf Valley Road, Harriman, Tennessee. Travis M. Cantrell Resided on this property on December 22, 2008.

214. Hershel and Darlene Carder own property located at 106 Clinchcrest Drive, Kingston, Tennessee. Hershel and Darlene Carder owned this property on December 22, 2008.

215. Darrell M. and Ellen D. Carlton own property located at 555 Emory River Road, Harriman, Tennessee. Darrell M. and Ellen D. Carlton owned this property on December 22, 2008.

216. Edward and Janet Carmack own property located at 406 Emory Heights Road, Harriman, Tennessee. Edward and Janet Carmack owned this property on December 22, 2008.

217. Angela Carrelli owns property located at 2337 Sugar Grove Valley Road and Tri County Sportsmans Clud Road, Harriman, Tennessee. Angela Carrelli owned this property on December 22, 2008.

218. Joe Ed Chesser owns property located at 417 Bullard Ford Road, Harriman, Tennessee. Joe Ed Chesser owned this property on December 22, 2008.

219. Keith and Andrea Christie own property located at Lot 1 Pirate Cove Subdivision, Peninsula Road East and 312 Peninsula Road, Harriman, Tennessee. Keith and Andrea Christie owned this property on December 22, 2008.

220. Robert A. Christie owns property located at 312 Peninsula Road, Harriman, Tennessee. Robert A. Christie owned this property on December 22, 2008.

221. Steve Christie owns property located at 312 Peninsula Road and 101 Dickey Valley Road, Harriman, Tennessee. Steve Christie owned this property on December 22, 2008.

222. Donald D. and Kathleen M. Clark own property located at Sugar Grove Valley Road, Kingston, Tennessee. Donald D. and Kathleen M. Clark owned this property on December 22, 2008.

223. Darren and Christine Clough own property located at 903 Swan Pond Circle, Harriman, Tennessee. Darren and Christine Clough owned this property on December 22, 2008.

224. Jack Clough owns property located at 837 Swan Pond Circle, Harriman, Tennessee. Jack Clough owned this property on December 22, 2008.

225. Jeffrey L. Cobb owns property located at 684 New Hope Road, Rockwood, Tennessee. Jeffrey L. Cobb owned this property on December 22, 2008.

226. Richard and Margaret Cole own property located at 642 Woodsmoke Lane, Rockwood, Tennessee. Richard and Margaret Cole owned this property on December 22, 2008.

227. Lonnie Collier owns property located at 235 Grisby Hollow Road, Kingston, Tennessee. Lonnie Collier owned this property on December 22, 2008.

228. Earl A. and Mary E. Cook own property located at 200 Emerald Cove Lane and adjoining lot on Emerald Cove, Rockwood, Tennessee. Earl A. and Mary E. Cook owned this property on December 22, 2008.

229. Issac Dale Dawson owns property located at 1007 Swan Pond Circle, Harriman, Tennessee. Issac Dale Dawson owned this property on December 22, 2008.

230. Dhruva L. and Rohik Amin Desai own property located at 106 Lake Crest Drive, Lenoire City, Tennessee. Dhruva L. and Rohik Amin Desai owned this property on December 22, 2008.

231. Betty Dickey owns property located at 547 Dickey Valley Road, Harriman, Tennessee. Betty Dickey owned this property on December 22, 2008.

232. Phillip and Audrey Dranger own property located at Lot 18 Osprey Way, Harriman, Tennessee. Phillip and Audrey Dranger owned this property on December 22, 2008.

233. Luther D. Dunn and Margie V. Dunn own property located at 112 Lakecrest Drive, Harriman, Tennessee. Luther D. and Margie V. Dunn owned this property on December 22, 2008.

234. Robert Doug Edgemon owns property located at 190 Eastwood Drive, Ten Mile, Tennessee. Robert Doug Edgemon owned this property on December 22, 2008.

235. Lynda Elliott owns property located at 104 Sportsman Club Road, Harriman, Tennessee. Lynda Elliott owned this property on December 22, 2008.

236. Hannah Ellis owns property located at 319 Virginia Avenue, Harriman, Tennessee. Hannah Ellis owned this property on December 22, 2008.

237. William Ellis owns property located at Lot 23 Emory Pointe, Harriman, Tennessee. William Ellis owned this property on December 22, 2008.

238. John and Patti S. Ettien own property located at 219 Ross Estates Road, Kingston, Tennessee. John and Patti S. Ettien owned this property on December 22, 2008.

239. Michael A. Francis owns property located at 132 Island Lane, Kingston, Tennessee. Michael A. Francis owned this property on December 22, 2008.

240. Robert A. Francis, III owns property located at 190 Rebel Road, Harriman, Tennessee. Robert A. Francis, III owned this property on December 22, 2008.

241. Christopher Galante owns property located at Lot 373 Grande Vista Bay West V (Thief Neck View Drive), Rockwood, Tennessee. Christopher Galante owned this property on December 22, 2008.

242. Dirk Gardner owns property located at 1173 Swan Pond Circle Road, Harriman, Tennessee. Dirk Gardner owned this property on December 22, 2008.

243. Barbara D. Garrison owned property located at Bullard Ford Road, Harriman, Tennessee. Barbara D. Garrison owned this property on December 22, 2008.

244. Andrew Gecelosky owns property located at 211 Blue Heron Drive, Harriman, Tennessee. Andrew Gecelosky owned this property on December 22, 2008.

245. Pace and Glenna Golston own property located at 1176 Swan Pond Circle Road, Harriman, Tennessee. Pace and Glenna Golston owned this property on December 22, 2008.

246. Roady and Eddi Goldston own property located at 1174 Swan Pond Circle Road, Harriman, Tennessee. Roady and Eddi Goldston owned this property on December 22, 2008.

247. J. Glenn and Berry L. Greer own property located at 175 Treasure Tree Road, Halfmoon Shores Section II, Ten Mile, Tennessee. J. Glenn and Berry L. Greer owned this property on December 22, 2008.

248. Tom, Sr., and Dolores Grizzard own property located at 816 Swan Pond Circle Road, 637 Swan Pond Circle Road and Map 027, Parcel 171.01, Swan Pond Circle Road, Harriman, Tennessee. Tom, Sr., and Dolores Grizzard owned this property on December 22, 2008.

249. Tom I., Jr., and Lisa Grizzard own property located at 822 Swan Pond Circle Road, 771 Swan Pond Circle Road, 639 Swan Pond Circle Road, Map 027D, Parcel 018.00, Swan Pond Circle Road and Map 027, Parcel 169.09, Swan Pond Circle Road, and Map 027L, Parcel 003.00, Swan Pond Circle Road, Harriman, Tennessee. Tom I., Jr. and Lisa Grizzard, owned this property on December 22, 2008.

250. Gary and Gloria Guinn owns property located at 214 Quarry Road, Harriman, Tennessee. Gary and Gloria Guinn owned this property on December 22, 2008.

251. James E. Hall owns property located at 469 Tennessee Chapel Circle, Kingston, Tennessee. James E. Hall owned this property on December 22, 2008.

252. Rex Harmon owns property located at 1104 Swan Pond Circle, Harriman, Tennessee. Rex Harmon owned this property on December 22, 2008.

253. Jason and Tonya Helms own property located at 755 Gallaho Road #16, Kingston, Tennessee. Jason and Tonya Helms owned this property on December 22, 2008.

254. Edward G. Hendrickson owns property located at 891 Dickey Valley Road and Sugar Grove Valley, Harriman, Tennessee. Edward G. Hendrickson owned this property on December 22, 2008.

255. Steve and Connie Hendrickson owns property located at Sugar Grove Valley Road, and Dickey Valley Road, Harriman, Tennessee. Steve and Connie Hendrickson owned this property on December 22, 2008.

256. Caila Henley owns property located at 127 Watson Lane, Harriman, Tennessee. Caila Henley owned this property on December 22, 2008.

257. Michael and Vicki Henley own property located at 129 Watson Lane, Harriman, Tennessee. Michael and Vicki Henley owned this property on December 22, 2008.

258. Lila Henry owns property located at 1016 Swan Pond Circle, Harriman, Tennessee. Lila Henry owned this property on December 22, 2008.

259. Richard and Marjorie Hettrick own property located at 213 Woodlawn Drive and 200 Lake Street, Harriman, Tennessee. Richard and Marjorie Hettrick owned this property on December 22, 2008.

260. Wanda Hovater owns property located at 381 Dickey Valley Road, Harriman, Tennessee. Wanda Hovater owned this property on December 22, 2008.

261. Wayne and Joanne Hovater own property located at 119 Sportsman Club Road, Harriman, Tennessee. Wayne and Joanne Hovater owned this property on December 22, 2008.

262. Deborah Howard owns property located at 102 Shady Lane, Kingston, Tennessee. Deborah Howard owned this property on December 22, 2008.

263. Jethro J. and Patricia H. Howell own property located at Lot 52 and Lot 53 Landhaven Way Emory Point, Harriman, Tennessee. Jethro J. and Patricia H. Howell owned this property on December 22, 2008.

264. Leslie Rae Hunt resides on property located at 100 Steven Lane, Harriman, Tennessee. Leslie Rae Hunt resided on this property on December 22, 2008.

265. Gary D. and Frances B. Inman own property located at 109 Emory Cove Drive, Harriman, Tennessee. Gary D. and Frances B. Inman owned this property on December 22, 2008.

266. Daryl N. and Carole James own property located at 215 Blue Heron Drive, Harriman, Tennessee. Daryl N. and Carole James owned this property on December 22, 2008.

267. Thomas and Linda Jendrowski own property located at 159 Gordon Drive, Ten Mile, Tennessee. Thomas and Linda Jendrowski owned this property on December 22, 2008.

268. Elizabeth Jenkins owns property located at Lookout Drive, Morristown, Tennessee. Elizabeth Jenkins owned this property on December 22, 2008.



269. David and Raezean Johnson, Jr, own property located at 1120 Swan Pond Circle Road, Harriman, Tennessee. David and Raezean Johnson, Jr, owned this property on December 22, 2008.

270. James and Elizabeth Jolly own property located at 660 New Hope Road, Rockwood, Tennessee. James and Elizabeth Jolly owned this property on December 22, 2008.

271. Jack M. and Edith C. Jones own property located at 149 Blue Heron Way, Ten Mile, Tennessee. Jack M. and Edith C. Jones owned this property on December 22, 2008.

272. Jerry and Patricia Julian own property located at 1 Old Bowman Bend Drive, Harriman, Tennessee. Jerry and Patricia Julian owned this property on December 22, 2008.

273. Herbert F. and Brenda L. Justice own property located at 2379 Sugar Grove Valley Road, Harriman, Tennessee. Herbert F. and Brenda L. Justice owned this property on December 22, 2008.

274. Tom H. Justice owns property located at 2190A Sugar Grove Valley Road, 2190B Sugar Grove Valley Road, 2192 Sugar Grove Valley Road, 2194 Sugar Grove Valley Road and 2196 Sugar Grove Valley Road, Harriman, Tennessee. Tom H. Justice owned this property on December 22, 2008.

275. Errol W. and Karen Sue Keith own property located at Lot 15 Osprey Way Swan Harbour I, Kingston, Tennessee. Errol W. and Karen Sue Keith owned this property on December 22, 2008.

276. Peggy Ann Kelly owns property located at 263 Skyline, Harriman, Tennessee. Peggy Ann Kelly owned this property on December 22, 2008.

277. George and Debbie Kennedy own property located at 106 Flanders Avenue, Harriman, Tennessee. George and Debbie Kennedy owned this property on December 22, 2008.

278. Steve Kirkham owns property located at 183 Hartford Village Way, Kingston, Tennessee. Steve Kirkham owned this property on December 22, 2008.

279. Kathy J. Kolich owns property located at Lot 7 Piney Bay and Lot 21 Swan Harbor, Spring City and Harriman, Tennessee. Kathy J. Kolich owned this property on December 22, 2008.

280. Michael and Diane Kurilla own property located at Lot 5 Emerald Pointe Circle, Rockwood, Tennessee. Michael and Diane Kurilla owned this property on December 22, 2008.

281. Judy Ladd owns property located at 700 Lakewood Road, Kingston, Tennessee. Ludy Ladd owned this property on December 22, 2008.

282. Barbara Lamb owns property located at 2315 Sugar Grove Valley Road, Harriman, Tennessee. Barbara Lamb owned this property on December 22, 2008.

283. Kevin and Sherry Ledford own property located at 544 Emory River Road, Kingston, Tennessee. Kevin and Sherry Ledford owned this property on December 22, 2008.

284. Jefferson Leeper owns property located at River Road, Kingston, Tennessee. Jefferson Leeper owned this property on December 22, 2008.

285. William and Maryanne Lysett own property located at 533 Red Cloud Lane, Ten Mile, Tennessee. William and Maryanne Lysett owned this property on December 22, 2008.

286. Lowell P. Malmquist owns property located at 1331 N. Kentucky, Kingston, Tennessee. Lowell P. Malmquist owned this property on December 22, 2008.

287. Paul D. Martin owns property located at Indigo Bunting Drive, Harriman, Tennessee. Paul D. Martin owned this property on December 22, 2008.

288. Kenneth and Nancy Mayfield own property located at 124 West Cliff Drive, Harriman, Tennessee. Kenneth and Nancy Mayfield owned this property on December 22, 2008.

289. Alvin Eugene and Robin McClure own property located at Honeysuckle Road, Kingston, Tennessee. Alvin Eugene and Robin McClure owned this property on December 22, 2008.

290. Barbara McCoin, Sarah McCoin and McCoin Family Revocable Trust own property located at 786 Swan Pond Circle, Harriman, Tennessee. Barbara McCoin, Sarah McCoin and McCoin Family Revocable Trust owned this property on December 22, 2008.

291. Robert M. and Susan McCombs own property located at Lakewood Landing 120 1809 Roark Road, Kingston, Tennessee. Robert M. and Susan McCombs owned this property on December 22, 2008.

292. William and Donna McGinnis own property located at Lot 5 Indigo Bunting Drive, Harriman, Tennessee. William and Donna McGinnis owned this property on December 22, 2008.

293. James and Cynthia McKay own property located at 153 Gordon Drive, Ten Mile, Tennessee. James and Cynthia McKay owned this property on December 22, 2008.

294. Lt. Col. Don McKinney, Darlene Randolph (deceased), and Kim Randolph own property located in Emory Heights, Parcel No. 027 047.00, Harriman, Tennessee. Lt. Col. Don McKinney, Darlene Randolph (deceased), and Kim Randolph owned this property on December 22, 2008.

295. Katherine Miller owned property located at 246 Hood Drive, Kingston, Tennessee. Katherine Miller owned this property on December 22, 2008.

296. Melvin C. Miller, Jr. owns property located at 524 Lakewood Road, Kingston, Tennessee. Melvin C. Miller, Jr. owned this property on December 22, 2008.

297. Edward and Teresa Moran owned property located at 777 Swan Pond Circle Road, Harriman, Tennessee. Edward and Teresa Moran owned this property on December 22, 2008.

298. Julian G. and Ruth P. Morton own property located at N. Homestead Lane, Ten Mile, Tennessee. Julian G. and Ruth P. Morton owned this property on December 22, 2008.

299. Mosler Family 1, LLC, owns property located at 1203 Swan Pond Circle, Harriman, Tennessee. Mosler Family 1, LLC, owned this property on December 22, 2008.

300. Willa Dean Mowery owns property located at 477 Swan Pond Circle, Harriman, Tennessee. Willa Dean Mowery owned this property on December 22, 2108.

301. Rebecca Murdock owns property located at 2145 Sugar Grove Valley Road, Harriman, Tennessee. Rebecca Murdock owned this property on December 22, 2008.

302. Gregory P. and Cynthia Musson own property located at East Shore Drive and Lot 152 Grande Vista Bay East, Section 3, Harriman, Tennessee. Gregory P. and Cynthia Musson owned this property on December 22, 2008.

303. Thomas A. and Melissa G. Nataro owned property located at 119 Allison Drive, Harriman, Tennessee. Thomas A. and Melissa G. Nataro owned this property on December 22, 2008.

304. James A. and Lyndia Neal own property located at 111 Walker Road, Harriman, Tennessee. James A. and Lyndia Neal owned this property on December 22, 2008.

305. Steve Neperud owns property located at 145 Blue Heron Way, Ten Mile, Tennessee. Steve Neperud owned this property on December 22, 2008.

306. Lieselotte O'Brien owns property located at 615 Lakeshore Drive, Kingston, Tennessee. Lieselotte O'Brien owned this property on December 22, 2008.

307. Michael and Angela O'Brien own property located at 601 The Battery, Kingston, Tennessee. Michael and Angela O'Brien owned this property on December 22, 2008.

308. Sam and Nancy Owings own property located at 1212 River Oaks Drive, Kingston, Tennessee. Sam and Nancy Owings owned this property on December 22, 2008.

309. Robert S. and Jane Parker, Jr. own property located at 1222 Cove Lane, Kingston, Tennessee. Robert S. and Jane Parker, Jr. owned this property on December 22, 2008.

310. Yashwant Patel owns property located at Lots 28 and 36 Emory Pointe Subdivision, Emory River Road, Harriman, Tennessee. Yashwant Patel owned this property on December 22, 2008.

311. Dana and Sally Peterka own property located at 1088 Eagle Furnace Road, Rockwood, Tennessee. Dana and Sally Peterka owned this property on December 22, 2008.

312. Robert W. and Constance V. Peterson own property located at 680 New Hope Road, Rockwood, Tennessee. Robert W. and Constance V. Peterson owned this property on December 22, 2008.

313. William E. Phillips owns property located at 224 Blue Heron Way, Ten Mile, Tennessee. William E. Phillips owned this property on December 22, 2008.

314. David A. and Syble J. Poole own property located at 236 Rodgers Circle Road, Rockwood, Tennessee. David A. and Syble J. Poole owned this property on December 22, 2008.

315. Michael and Beverly Powers own property located at Gunters Way Lot 5 and at 1234 River Oaks Drive, Kingston, Tennessee. Michael and Beverly Powers owned this property on December 22, 2008.

316. Bobby G. and Betty L. Ratliff own property located at 313 Skyline Drive and 315 Skyline Drive, Harriman, Tennessee. Bobby G. and Betty L. Ratliff owned this property on December 22, 2008.

317. Alton and Molly Richards own property located at 124 Clinchcrest Drive and Sugar Grove Valley Road, Kingston, Tennessee. Alton and Molly Richards owned this property on December 22, 2008.

318. Richard C. Robertson owns property located at 115 Emory Cove Drive, Harriman, Tennessee. Richard C. Robertson owned this property on December 22, 2008.

319. William Norris and Wendy Robinson own property located at New Center Road, Holiday Shores Subdivision Number 1 and Lot: Point (Lots 81, 82, 83), Harriman, Tennessee. William Norris and Wendy Robinson owned this property on December 22, 2008.

320. Scott and Lisa Rolik own property located at Emory Cove Drive Lot 27, Harriman, Tennessee. Scott and Lisa Rolik owned this property on December 22, 2008.

321. Donna E. Russell owns property located at 521 Sheldon Drive, Harriman, Tennessee. Donna E. Russell owned this property on December 22, 2008.

322. Lawrence and Sharon Ryczek own property located at 127 Emory Cove Drive Lot #30 and 209 Blue Heron Drive Lot #10, Harriman, Tennessee. Lawrence and Sharon Ryczek owned this property on December 22, 2008.

323. Hazel Sapps owns property located at 151 Gordon Drive, Ten Mile, Tennessee. Hazel Sapps owned this property on December 22, 2008.

324. Evelyn Satterfield owns property located at 550 Dickey Valley Road, Harriman, Tennessee. Evelyn Satterfield owned this property on December 22, 2008.

325. Charles S. Scarborough owns property located at Lot 12 and Lot 13 Osprey Way, Harriman, Tennessee, and at 150 Claygate Court-Ladd Landing, Kingston, Tennessee. Charles S. Scarborough owned this property on December 22, 2008.

326. W. Scott and Melissa Scarbrough own property located at Tanager Court, Harriman, Tennessee. W. Scott and Melissa Scarbrough owned this property on December 22, 2008.

327. Don and Julia Scruggs own property located at 231 Arrowhead Trail, Kingston, Tennessee. Don and Julia Scruggs owned this property on December 22, 2008.

328. Judy Shaw owns property located at 115 De Armond Road, Kingston, Tennessee. Judy Shaw owned this property on December 22, 2008.

329. Jerry and Lynn Shepherd own property located at 156 White Heron Lane and 574 Eagle Point Road, Rockwood, Tennessee. Jerry and Lynn Shepherd owned this property on December 22, 2008.

330. David and Mary K. Skinner own property located at 1204 Cove Lane, Kingston, Tennessee. David and Mary K. Skinner owned this property on December 22, 2008.

331. Lawrence and Janet Steidle reside on property located at 3952 River Road, Ten Mile, Tennessee. Lawrence and Janet Steidle resided on this property on December 22, 2008.

332. Jerry R. and Charlotte S. Stephens owns property located at 325 Lawson Center Road, Kingston, Tennessee. Jerry R. and Charlotte S. Stephens owned this property on December 22, 2008.



333. S.C. and Patricia Stinnett own property located at 140 Stinnett Trace, Harriman, Tennessee. S.C. and Patricia Stinnett owned this property on December 22, 2008.

334. Norman Stombaugh and Marilyn Stombaugh own property located at 2410 Sugar Grove Valley Road (Lot 48), Lot 49, Holiday Shores & Lot 47, Holiday Shores, Harriman, Tennessee. Norman and Marilyn Stombaugh owned this property on December 22, 2008.

335. Charlotte Strandberg owns property located at 558 Emory River Road, Harriman, Tennessee. Charlotte Strandberg owned this property on December 22, 2008.

336. Elizabeth Leeper Stuart owns property located at River Road, Kingston, Tennessee. Elizabeth Leeper Stuart owned this property on December 22, 2008.

337. John Sublett owns property located at 438 Eagle Point Drive and 750 Eagle Point Drive, Rockwood, Tennessee. John Sublett owned this property on December 22, 2008.

338. Shawn and Kristi Tallent own property located at 660 River Road, Kingston, Tennessee. Shawn and Kristi Tallent owned this property on December 22, 2008.

339. Sarah Leeper Tate owns property located at River Road, Kingston, Tennessee. Sarah Leeper Tate owned this property on December 22, 2008.

340. The Adga Seabolt Trust owns property located at 1151 Swan Pond Circle, Harriman, Tennessee. The Adga Seabolt Trust owned this property on December 22, 2008.

341. Gary Thomas owns property located at 907 Swan Pond Circle Road, Harriman, Tennessee. Gary Thomas owned this property on December 22, 2008.

342. Thomas and Linda Thompson own property located at 121 Mallard Duck Road, Rockwood, Tennessee. Thomas and Linda Thompson owned this property on December 22, 2008.

343. Ricky and Gina Tolifson own property located at 130 Highland Way, Kingston, Tennessee. Ricky and Gina Tolifson owned this property on December 22, 2008.

344. Kinnon and JoeAnn Turner own property located at 2109 Sugar Grove Valley Road and Lawhon Farm Road (3 Lots), Harriman, Tennessee. Kinnon and JoeAnn Turner owned this property on December 22, 2008.

345. Mark S. Tuuri owns property located at 756 Emory Heights, Harriman, Tennessee. Mark S. Tuuri owned this property on December 22, 2008.

346. Harold Underwood owns property located at 1232 River Oaks Drive, Kingston, Tennessee. Harold Underwood owned this property on December 22, 2008.

347. Bill and Gerry Vermillion own property located at 126 Bradley Lane, Harriman, Tennessee. Bill and Gerry Vermillion owned this property on December 22, 2008.

348. Leon Walden, Jr. owns property located at 635 Brentwood Drive, Morristown, Tennessee. Leon Walden, Jr. owned this property on December 22, 2008.

349. Floyd and Freida Walker own property located at 213 Brahman Road, Kingston, Tennessee. Floyd and Freida Walker owned this property on December 22, 2008.

350. David H. Walls and Walls & Associates own property located at Lot 24 and Lot 25 Tanger Court Swan Harbor, Harriman, Tennessee. David H. Walls and Walls & Associates owned this property on December 22, 2008.

351. Laura Leeper Waynick owns property located at River Road, Kingston, Tennessee. Laura Leeper Waynick owned this property on December 22, 2008.

352. Sandra Weaver resided on property located at 578 Emory River Road, Harriman, Tennessee. Sandra Weaver resided on this property on December 22, 2008.

353. Greg White resided on property located at 771 Swan Pond Circle Road, Harriman, Tennessee. Greg White resided on this property on December 22, 2008.

354. Susi White resided on property located at 771 Swan Pond Circle Road, Harriman, Tennessee. Susi White resided on this property on December 22, 2008.

355. M.C. and Teri C. Wiest, Jr. own property located at 392 Emory River Road, Lot 21 Emory River Lakeview Estate, Lot 20A Emory River Lakeview Estate and Lot 20 Emory River Lakeview Estate, Harriman, Tennessee. M.C. and Teri C. Wiest, Jr. owned this property on December 22, 2008.

356. Robert O. and Cathy Willis own property located at 789 Swan Pond Circle Road, Harriman, Tennessee. Robert O. and Cathy Willis owned this property on December 22, 2008.

357. Tim Wilson owns property located at 1090 Ware Farms Road, Spring City, Tennessee. Tim Wilson owned this property on December 22, 2008.

358. Joseph K. Wing owns property located at 172 Rebel Road, Harriman, Tennessee. Joseph K. Wing owned this property on December 22, 2008.

359. Paul R. and Joby Winter, Jr. own property located at 301 Lake Street, Harriman, Tennessee. Paul R. and Joby Winter, Jr. owned this property on December 22, 2008.

360. Keen Wong owns property located at 158 Sportsman Club Road, Harriman, Tennessee. Keen Wong owned this property on December 22, 2008.

361. Herman Woods owns property located at 1210 Forest Hill Drive and 1224 Forest Hill Drive, Harriman, Tennessee. Herman Woods owned this property on December 22, 2008.

362. Mona Gardner Wright owns property located at 1172 Swan Pond Circle Road, Harriman, Tennessee. Mona Gardner Wright owned this property on December 22, 2008.

363. Plaintiffs have been harmed by diminution in their property value and/or by loss of the enjoyment and use of their property and surroundings and aggravation and inconvenience, and, in some cases, by loss of income or profits, as a result of TVA's negligent, reckless, willful and wanton non-discretionary conduct.

364. TVA is a wholly owned federal corporation created under an Act of Congress. Its headquarters is in Knoxville, Tennessee.

365. TVA is the largest power producer in the United States, generating electricity by burning coal in 11 fossil-powered plants, including the Kingston Fossil Plant.

366. TVA owns and operates the Kingston Fossil Plant in Kingston, Tennessee.

367. At all times material hereto, TVA's operation of its coal-fired power plants and associated facilities, including the Kingston Fossil Plant, was and is a commercial function and not a governmental operation.

#### **IV. FACTS**

##### **A. TVA and the History of the Failed Impoundment.**

368. The TVA Kingston Fossil Plant is a 1,600 megawatt, coal-fired power plant, with a business address at or near 714 Swan Pond Road in Harriman, Tennessee.

369. TVA is in the business of generating electricity for sale by burning coal.

370. TVA's KIF facility burns approximately 14,000 tons of coal per day in the course of its business.

371. The KIF facility has nine coal fired units with a maximum generating capacity of approximately 1,600 Megawatts, making it one of TVA's largest coal burning facilities.

372. The KIF facility is located near the confluence of the Clinch and Emory Rivers on the Watts Bar Reservoir, approximately one mile northwest of Kingston, Tennessee.

373. The KIF facility was constructed and went into operation in the early 1950s.

374. TVA creates coal ash from burning coal.

375. Coal ash from the plant is mixed with water and sluiced from the plant to the main ash pond where it settles to the bottom and water from the top is pumped into the stilling pond where more solids settle out. The settled solids are then dredged from the bottom of the stilling and ash ponds and placed into a dredge cell to further solidify. A

dredge cell is the ash disposal area that contains settled ash from the main ash stilling ponds.

376. Before December 22, 2008, the TVA coal ash disposal impoundment contained approximately 9.4 million cubic yards of coal ash sludge. The coal ash sludge occupied approximately 98 acres, and rose 60-65 feet above the Emory River, which flows into the Clinch River and then into the Tennessee River.

377. The cause of the exterior dike failure at KIF was buildup of water within the dredge cell. Water built up within the dredge cell because of, among other failures by TVA, its negligence and willful, wanton and reckless conduct, including with regard to the construction, inspection, and maintenance of the dredge cell, and the failure to train its personnel in applicable policies and procedures.

378. TVA knew or should have known that pressure from the buildup of water and other factors would cause the dike to fail and the massive release of coal ash, and willfully, wantonly, recklessly disregarded the clear warning signs of the coming failure.

**B. TVA Negligently Inspected the Sludge Impoundment.**

379. An internal 1985 engineering memo noted that Dike C of the impoundment that failed was not built according to design and had a lower than desirable factor of safety. The memo recommended that the dike be inspected daily. TVA did not inspect the dike daily.

380. The person who conducted inspections only did so four days a week at best and was only looking for routine maintenance issues. He did a drive around look at the dike. He had no training to conduct a substantive inspection or determine the stability of the impoundment.

381. Most years, TVA's engineers conducted what they termed an annual "stability" inspection of the impoundment. The last one was conducted on October 20, 2008. However, TVA admitted after the catastrophe that such inspections actually did not assess stability.

382. According to Dr. Bruce Tschantz, a well-regarded and highly qualified expert in the field of engineering and dam safety, and a member of the Tennessee Department of Environment and Conservation's Advisory Board relating to the coal sludge disaster, the October 20, 2008 stability inspection was "a sham" that "did not meet up to the standard of practice that we all recognized in maintaining and operating this type of structure." Transcript 9/21/11 at 176:10-23; 175:21-23.

383. Dr. Tschantz testified that he based his conclusion on the facts that TVA's inspector had "no experience or background or training at all in inspection or dam safety or any kind of structure of this type at all. [The inspector] was not apprised of what the purpose of the inspection was...was not prepared or prepped for the inspection. The report was late... and I think most of all, from what we learned later, is that the report was cleaned, it was cleaned by TVA P.R. people." *Id.* at 176:13-177:3.

384. According to Dr. Tschantz, the inspectors failed to identify or note areas of internal erosion that were photographed during the course of the inspection. *Id.* at 177:24-181:11. Such areas of internal erosion would have required immediate attention and further investigation, including core drilling and sampling. In fact, Dr. Tschantz said that, if he had seen the same thing, he would have immediately contacted the owner of the impoundment rather than waiting to identify the problems in an inspection report. *Id.* at 180:12-181:6.

385. Although Dr. Tschantz testified that the photographs of the erosion and sloughs were the “poster child of examples of the kind of things that inspectors should be aware of,” TVA’s inspectors did not raise any alarms as a result of these problems. Dr. Tschantz said that the condition clearly indicated that “immediate steps needed to be taken.” *Id.* at 182:18-24.

386. The TVA inspectors, however, did not have any training in inspection, and they thought that the inspections they were conducting were maintenance inspections, not stability inspections.

387. John Albright, one of the inspectors of the impoundment on October 20, 2008, is not a professional engineer.

388. Mr. Albright never saw any guidelines for inspections before the failure of the impoundment. Transcript at 206.

389. Mr. Albright had no training on how to take piezometer or wellpoint readings of the groundwater monitoring instruments which TVA had installed on the dike to measure water pressure. Transcript at 235.

390. Mr. Albright testified that he did not know why he would look for seeps in the impoundment during an inspection, even though seeps would indicate a potential stability problem.

391. Mr. Albright agreed with another of the inspectors, Chris Buttram, that there were repairs on the dike that needed to be addressed immediately, but neither Mr. Buttram nor Mr. Albright told anyone to make immediate repairs.

392. Chris Buttram, who the Office of Inspector General noted was the “lead” on the October 20, 2008 inspection, had never been given any training prior to



October 20, 2008 in the examination of embankment dams. Transcript at 137. His inspection that day was the first he had ever performed at such a facility.

393. Mr. Buttram stated that he did not write the report of the October 20, 2008 inspection until after the disaster. Transcript at 120. He initially drafted the report of the October 20, 2008 inspection to state that repairs to Dike C at the point of failure needed to be made “immediately,” but that after TVA media relations suggested that he remove the word “immediately” from the final report, he removed it. Transcript at 124.

**C. TVA Negligently Constructed the Sludge Impoundment.**

394. A 1985 internal memo written by a TVA engineer that raised serious concerns about the stability of Dike C noted that it had not been constructed according to the design drawings. It also noted that the “as built” factor of safety was less than desirable.

395. The dikes were designed to be constructed with consolidated bottom ash, which is more stable than fly ash, but they were not.

396. TVA did not have any as-built drawings that reflected the true construction of the impoundment.

397. TVA did not have an engineer on-site to perform Construction Quality Assurance/Construction Quality Control while modifications or construction of ash storage facilities occurred to ensure construction with good engineering practice and in accordance with design drawings.

398. Dr. Tschantz testified that in constructing the dike, it would have been a requirement of the standard of care for TVA to check the foundation before it built the dike up in order to make sure that the foundation was solid and not weak. Transcript 9.21.11, p. 199:4-13.

399. TVA did not attempt to discover whether the foundation of the dike was stable or weak before it built it up vertically.

400. TVA ignored its own 2004 *Operations Manual Dredge Cell Lateral Expansion*, which indicated that ash “has remained apparently loose despite years of being under the existing ash overburden” and “liquefies under even slight vibration.”

401. The geotechnical parameters of the ash material (*i.e.*, coal ash sludge waste) and construction materials used in the exterior dredge cell dikes at KIF over time were in fact highly variable. TVA ignored this fact despite having actual or constructive knowledge of it.

402. From an engineering standpoint, the highly variable parameters of the KIF coal ash sludge waste and dike material constituted a significant construction concern and hazard that made it easily foreseeable to TVA well before December 22, 2008, that failures of the impoundment could and would occur.

403. Nevertheless, TVA ignored this easily foreseeable reality and failed to take remedial measures to ensure the safety of the impoundment, contrary to applicable engineering or other duties or standards of care.

**D. TVA Negligently Maintained the Sludge Impoundment.**

404. TVA failed to address maintenance issues noted in annual inspection reports year after year. These “legacy” issues included erosion, seepage, overgrown vegetation, sparse vegetation, trees growing on dikes, standing water, and piping issues. OIG Report at 33.

405. TVA was aware that, in order to prevent a failure of the dikes, water should not pond on them or within the ash dredge cells. TVA had a policy not to permit

such ponding. Despite these facts, ponding water was noted repeatedly on the dike benches and within the dredge cells, including in the 2008 Inspection Report.

406. There were early warning signs that the water in the impoundment was causing instability, including two “blow outs” that occurred in 2003 and 2006. Adequate corrective measures were not taken in response to these in order to address the overall stability of the impoundment, and/or such measures were ignored.

407. Marshall Miller, who conducted an audit of TVA’s maintenance of the impoundment, determined that the spill could have been prevented if recommended safety modifications had been made prior to the catastrophe. OIG Report at 18-19.

408. According to the fiscal year 2008 Annual Ash Pond Dike Stability Inspection Report, the cause of the 2003 and 2006 blowouts were a result of “inadequate internal drainage...and infiltration of surface water on the existing dike benches.” These problems were never adequately addressed.

409. TVA installed a drainage system in an attempt to address this problem. TVA applied for a permit modification which promised that it would install piezometers on the north, south and western faces of the dredge cells, and would measure and monitor the water pressures to monitor the performance of the drainage system it installed. The phreatic surface measured in those monitoring devices was, according to the permit, to be compared with that predicted in models created by its engineering consultants, Geosyntec. Transcript at 23. The phreatic surface is the point where groundwater is equilibrated at zero pressure. TDEC approved the application and issued a permit modification in light of TVA’s promises.

410. Monitoring wells 13, 14, and 15, which were part of the system, were located on the North Dike of the dredge cell 2, near the ultimate location of the failure.

411. According to Matt Williams, a geotechnical engineer with TVA, TVA typically saw higher water levels in the winter months. Transcript at 25.

412. In the winter of 2007, TVA took preventative measures to reduce water levels in the dredge cells “in an attempt to avoid another blow out [of the exterior dike].” TVA did not take such preventative measures in the winter of 2008. Instead, TVA continued to pump additional ash wastes and water into the KIF impoundment during the late fall and winter of 2008, increasing pressure on the weak dike.

413. The water pressure recorded in the monitoring systems was supposed to be taken monthly by a field engineer and reported to a member of the Fossil Engineering Department within TVA. Transcript at 35. For no apparent reason, TVA skipped some months of monitoring.

414. Within TVA’s Fossil Engineering group, the responsibility of receiving the groundwater monitoring data first went to Lynn Petty, then to Christopher Hensley, then to Jamie Dotson, and finally in the months before the catastrophe, the groundwater pressure reports were sent to Chris Buttram. Transcript at 98-99.

415. Mr. Hensley testified that no one at TVA ever told him the significance of the groundwater monitoring, and he did not know whether it had anything to do with the stability of the dikes. Transcript at 166. He was only told to take the numbers and put them into a spreadsheet. Transcript at 165.

416. No one ever told Mr. Hensley how to interpret the data or how to determine if there were levels in the data that were too high or of concern or should be

considered a red flag. Transcript at 169. He did not know how to interpret the data.

Transcript at 171. He did no analysis of the data. Transcript at 173.

417. There was no place for the data from the monitoring wells, 13, 14, and 15 to be recorded. Transcript at 177. Therefore, Mr. Hensley did not keep the data, but threw it out and did not report it to anyone. *Id.*

418. Mr. Hensley was not aware of what a piezometer did, and did not know the significance of the monitoring wells at Kingston, or what role they played with respect to the assessment of the stability of the dikes at Kingston.

419. The last measurement of water pressure levels was taken on November 18, 2008. However, the data was sent from Matt Williams to Chris Buttram on December 18, 2008. Transcript at 111.

420. As of November 18, 2008, roughly half of the monitoring wells and/or piezometers were not functioning, but were destroyed or covered with ash. Transcript at 111.

421. There was a steep increase in the water levels shown in the November 18, 2008 data, similar to a steep increase that preceded the November 2006 blowout. Transcript at 116.

422. Mr. Williams never received any confirmation from Mr. Buttram that Mr. Buttram received the data. Transcript at 122-23.

423. Mr. Buttram did not consider it part of his job to know whether there was any data from monitoring wells on the north side of the dike, where the failure occurred. Transcript at 154.

424. In January, 2009, after the catastrophe, Mr. Buttram obtained the password to the groundwater monitoring data so that he could remove the elevated well point data he had noted. Those readings were “in the red” on the north side of the dike where the failure occurred. Transcript at 164-166.

425. TVA was on notice of a potential catastrophic failure based on the presence of a number of sloughs on the dikes, indicative of the existence of internal failure and collapse that can cause immediate, total failure, as well as other areas of erosion that were observed by TVA engineers on the exterior dikes near the point of ultimate failure in October 2008, two months before the 12/22 disaster. One inspector, Jamie Dotson, noted in his October 20, 2008 inspection notes multiple sloughs in the same location as the failure. TVA engineers failed to recognize the importance of these areas during their inspection due to their lack of training and experience and, thus, failed to take any maintenance steps to correct them before the 12/22 disaster.

426. Notably, there is no evidence that TVA took any steps to address or fix the sloughs that were identified in the October 20, 2008 annual inspection.

427. The October 20, 2008 inspectors also noted a 20 feet long by 2 feet deep eroded area in an “interim” dredge cell slope, indicative of TVA’s failure to maintain the impoundment in a way that would have prevented the failure and assured the integrity of the impoundment. A “wet spot” was also noted by TVA at the toe of the KIF Cell 2 dike. This wet spot was estimated to be 4 feet by 4 feet, and located in the area of an old under-drain.

428. An eroded and washed out area was noted by TVA at the “north end of the dredge cells” in the 2008 inspection, two months before the 12/22 disaster. This

eroded and washed out area was recommended by TVA to be repaired “immediately” in the report. There is no evidence that any repairs were made as a result of the October 20, 2008 inspection. Indeed, Mr. Settles testified that he did not take any actions as a result of the inspection and there is no record that he did so.

429. Despite all of the problems, hazards, and dangers that were known or should have been known to TVA, it continued to pump ash wastes and water into the KIF impoundment.

430. This resulted in the continued piling of the unstable, wet coal ash sludge waste to a point where there was a water column of over seventy (70) feet in height.

431. Even though TVA knew or should have known that the impoundment presented a grave danger of immediate failure and the potential for a catastrophic release of the coal ash sludge, TVA failed to adequately inspect, construct, maintain or operate its coal sludge impoundment.

**E. TVA Failed to Train Its Employees In Applicable Policies and Procedures.**

432. During its investigation of the catastrophe, TVA’s OIG was unable to obtain any “policies and procedures dealing with the storing, handling, and maintaining of ash and ash facilities” and was told that none existed. OIG Report at 32. The OIG concluded that “Without policies and procedures, it is unclear who is responsible for specific tasks, how to address certain problems when they arise, and how to ensure proper communication occurs.” *Id.*

433. TVA did have a few policies and procedures for inspections of ash ponds. TVA employees tasked with inspecting the impoundment testified at the trial that they were not told of the policies and procedures and did not follow them.

434. Testimony of TVA employees during the trial established that there was no formalized training for dike inspectors, whether for annual or daily inspections. Such training would have allowed the inspectors to recognize maintenance issues early, properly assess the significance of issues identified, identify changing conditions, and properly communicate issues identified. OIG Report at 34.

435. TVA employee, Matt Williams, testified during the trial that TVA was required to monitor the water pressure wellpoints 13, 14 and 15, at the point of failure, because it was a requirement under the landfill permit.

436. Mr. Williams collected the information and sent it to engineering. He testified that he would be surprised if the information his team collected was not considered or monitored or reviewed by engineering as required by the permit.

437. As set forth above, Chris Buttram, who received the data before the failure, was not aware of the permit requirements, and was not trained by TVA to know what to do with the data. He testified that he did not even know that there was any monitoring on the north dike or that high water levels could lead to a dangerous situation.

438. TVA's failure to train Mr. Buttram and other engineers to read and interpret the water pressure data was a substantial cause of the failure.

439. TVA had a policy of no standing water on the dredge cells, and that the water level on the dikes had to be at an absolute minimum.

440. Despite this policy, Mr. Settles testified that he was "rim ditching" when he constructed the dikes, which made a stream of standing water on the dikes. Mr. Settles and his crew were not trained that this was in direct violation of TVA's policies and procedures.



441. During the October 20, 2008 inspection, photographs were taken of the ponding, but nothing was done about it because TVA had not trained its inspectors concerning TVA's policy that required it to maintain minimum water on the dikes and atop the dredge cells. They were unaware of the danger standing water posed because they lacked any training.

**F. The 12/22 Disaster and Resulting Contamination.**

442. In the early morning hours of December 22, 2008, the impoundment ruptured. Of the 9.4 million cubic yards of coal ash sludge in the impoundment, 57% of it, or 5.4 billion cubic yards (equivalent to 1 billion gallons), spilled out. The quantity of coal sludge that was spilled into the environment was three times the amount of oil spilled in the Gulf of Mexico after the Deepwater Horizon exploded in 2010.

443. Following the rupture of the impoundment, black sludge spread into and contaminated the Emory, Clinch and Tennessee Rivers, and Watts Bar Lake.

444. Each of those bodies of water has been contaminated with toxic chemicals, making large parts of them unfit and undesirable for swimming and other recreational activities.

445. Many waterfront properties along the Emory River, the Clinch River, the Tennessee River, and in Watts Bar Lake have coal ash sludge residue on their shores.

446. The disaster suffocated significant aquatic life in rivers, exterminating fish, frogs, and snapping turtles as it moved downstream toward the Tennessee River. Pets and livestock belonging to the residents exposed to the sludge have also died as a result of exposure to the sludge.

447. Tests on the sludge itself showed unsafe levels of arsenic and vanadium, and elevated levels of other metals found in coal, including mercury, magnesium, selenium, sodium, cobalt and manganese.

448. Within a week of the disaster, on December 28, 2008, the United States Environmental Protection Agency reported that several heavy metals were present in concentrations above drinking water standards in water near the disaster. Arsenic was found in “very high” concentrations.

449. On January 2, 2009, testing of river water and ash showed concentrations of eight metals exceeding safe drinking water levels at sites near the disaster, one half-mile from the KIF and two miles from the KIF. Levels of arsenic, lead, chromium and other metals were found at 2 to 300 times higher than drinking water standards. At the site two miles from the disaster, arsenic was at 35 times the drinking water limit.

450. News reports the following day, on January 3, 2009, reported arsenic levels at 149 times the federal safe drinking water limit in the Emory River just downstream from the KIF.

451. On January 12, 2009, TDEC issued an order finding that TVA had violated the Tennessee Water Quality Control Act and was liable for the releases of the coal ash sludge.

452. On February 4, 2009, EPA notified TVA that the release was an unpermitted discharge of a pollutant in contravention of the Clean Water Act.

453. Independent testing by an associate professor of biology at Appalachian State University found arsenic levels thirty times or higher than the safety standard.

454. EPA, TVA and the State of Tennessee warned users of Watts Bar Lake to avoid areas where floating ash is observed and to avoid contact with floating ash.

455. Ash has been found in the water and on the shore as far south as Watts Bar Dam.

456. Plaintiffs' expert has found numerous violations of the state's numeric chemical water quality criteria for toxic substances for safe recreational use.

457. The 12/22 disaster and associated release of the coal ash sludge waste onto Plaintiffs' property and into the environment, including nearby waterways, has placed an indelible, undesirable stigma upon their property and communities, and resulted in diminished, if not destroyed, property value. As a result of the catastrophe, Plaintiffs have lost the use and enjoyment of their property and surroundings. In a desire to avoid exposure to the toxic waste, they no longer fully utilize their homes, yards, property, and surrounding public access areas. In addition, they have suffered aggravation, inconvenience and loss of quality of life.

**G. Remediation.**

458. TVA was and is under a legal duty to immediately remediate and/or abate and/or clean up releases of the coal ash sludge that remains in, on or around or migrating to the residential and recreation areas, navigable waterways and/or other waterways impacted by the disaster and to prevent further illegal releases or discharges of toxic and/or hazardous sludge and solid waste.

459. The January 12, 2009 order from TDEC required TVA to submit a Corrective Action Plan.

460. The Corrective Action Plan and clean-up activities included closure areas and recreational advisory areas on the Emory River, which further disrupted Plaintiffs' ability to use and enjoy their property and surroundings.

461. The clean-up activities include trucking materials to and from the disaster area in an attempt to stabilize the ash and move it for disposal. This increased truck traffic contributes to noise and further inconvenience to Plaintiffs and interferes with their use and enjoyment of property and surroundings and increases the stigma of the area.

462. The clean-up activities include rail car shipments of the ash from the spill area to a landfill in Perry County, Alabama. The increased rail traffic contributes to noise and further inconvenience to Plaintiffs, interferes with their use and enjoyment of property and surroundings, and increases the stigma of the area.

463. The clean-up activities are ongoing and will continue for the foreseeable future, causing further continued disruption to Plaintiffs' use and enjoyment of property and surroundings and increasing the stigma of the area and devaluation of property.

464. TVA has admitted that a complete clean-up of the disaster is impossible, and some ash will always remain on the bottom of the downstream rivers.

465. Even after five years of clean-up activities, the 12/22 disaster and clean-up will leave an indelible, undesirable stigma upon Plaintiffs' property, resulting in diminished, if not destroyed, property value.

### **COUNT I** **Negligence**

466. The allegations in all previous paragraphs are incorporated by reference as though fully set forth here.

467. TVA owed a duty to all Plaintiffs to exercise reasonable care in the construction, inspection, and maintenance of the coal ash impoundment.

468. At all times material hereto, Plaintiffs were direct, intended and/or third party beneficiaries of, among other things, TVA's construction, inspection and maintenance of its coal ash impoundment and the proper training of its employees.

469. TVA had a heightened duty of care to all Plaintiffs because of the great danger associated with the storage of coal ash.

470. TVA breached its duty to Plaintiffs when, among other things, it failed to take appropriate steps in the construction, maintenance and inspection of the impoundment, and the proper training of its employees, in order to ensure the safety and integrity of the impoundment and to prevent the contamination of the surrounding area with toxic coal ash sludge.

471. As a direct and proximate result of TVA's failure to take appropriate steps to ensure the safety of the impoundment, Plaintiffs have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, property damage, diminution of value of real property, and loss of enjoyment of real property. In addition, plaintiffs have suffered aggravation, inconvenience and lost quality of life, and some plaintiffs have lost income from businesses associated with their property.

**COUNT II**  
**Gross Negligence**

472. The allegations in all preceding paragraphs are incorporated by reference as though fully set forth here.

473. TVA owed a duty to Plaintiffs to, among other things, exercise reasonable care in the construction, inspection, and maintenance of the impoundment and in the training of its employees.

474. TVA had a heightened duty of care to Plaintiffs because of the great danger associated with the storage of the toxic coal ash.

475. TVA breached its legal duty to Plaintiffs by failing to exercise reasonable care, and acting with reckless, willful, and wanton disregard for the property, health and safety of others, including Plaintiffs, in the construction, inspection, and maintenance of the coal ash impoundment and in the training of its employees.

476. TVA knew or should have known that its wanton or reckless conduct would foreseeably result in the catastrophe, causing damage to Plaintiffs' property and their businesses.

477. As a direct and proximate result of TVA's reckless and wanton conduct, Plaintiffs have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, property damage, diminution of value of real property and loss of enjoyment of real property. In addition, plaintiffs have suffered aggravation, inconvenience and lost quality of life, and some plaintiffs have lost income from businesses associated with their property.

478. TVA's wanton or reckless conduct, as described herein, entitles Plaintiffs to punitive damages.

### **COUNT III** **Trespass**

479. The allegations in all preceding paragraphs are incorporated by reference as though fully set forth here.

480. TVA's conduct and the resulting events described in detail in this complaint amounted to an intentional intrusion on Plaintiffs' properties.

481. TVA entered or intruded on the property of Plaintiffs without privilege, permission, invitation, or justification.

482. TVA's entry or intrusion onto the Plaintiffs' properties interfered with their right of exclusive possession of the property.

483. The entry or intrusion onto Plaintiffs' properties interfered with and continues to interfere with their exclusive possession and/or control of their property and caused, and continues to cause, harm to Plaintiffs' properties.

484. As a direct and proximate result of TVA's trespass, Plaintiffs have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, property damage, diminution in value of real estate, and loss of use and enjoyment of real property. In addition, plaintiffs have suffered aggravation, inconvenience and lost quality of life, and some plaintiffs have lost income from businesses associated with their property.

485. TVA's wanton or reckless conduct, as described herein, entitles Plaintiffs to punitive damages.

#### **COUNT IV** **Strict Liability**

486. The allegations in all preceding paragraphs are incorporated by reference as though fully set forth here.

487. TVA's storage of toxic waste in the impoundment for decades was an abnormally dangerous and ultrahazardous activity—one which necessarily involves a risk of

serious harm to the person, land or chattels of others which cannot be eliminated by the exercise of the utmost care and is not a matter of common usage.

488. It was inappropriate for the TVA's conduct to take place where it did.

489. TVA's conduct was uncommon or not a matter of common usage, particularly under the circumstances.

490. Even in the exercise of due care (which was not present here), the KIF dredge cells and/or impoundments were ultrahazardous.

491. TVA is strictly liable to Plaintiffs for all damages having resulted from the 12/22 disaster.

492. As a direct and proximate result of TVA's abnormally dangerous and ultrahazardous activity, Plaintiffs have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, property damage, diminution of value of real property, and loss of enjoyment of real property. In addition, plaintiffs have suffered aggravation, inconvenience and lost quality of life, and some plaintiffs have lost income from businesses associated with their property.

#### **COUNT V** **Nuisance**

493. The allegations in all preceding paragraphs are incorporated by reference as though fully set forth here.

494. TVA's conduct has directly and proximately resulted in continuing and unreasonable interference with the use and enjoyment of properties owned by Plaintiffs and constitutes a nuisance.

495. TVA's use of its property was unreasonable.



496. As a direct and proximate result of TVA's conduct, Plaintiffs have suffered legal injury and damages, in an amount to be proven at trial, including, but not limited to, property damage, diminution of value of real property, and loss of enjoyment of real property. In addition, plaintiffs have suffered aggravation, inconvenience and lost quality of life, and some plaintiffs have lost income from businesses associated with their property.

497. TVA's wanton or reckless conduct, as described herein, entitles Plaintiffs to punitive damages.

**COUNT VI**  
**Negligence *Per Se***

498. The allegations in all preceding paragraphs are incorporated by reference as though fully set forth here.

499. TVA's conduct with regard to the generation, processing, storage and disposal of coal ash is governed by numerous state and federal laws and permits issued under the authority of these laws. TVA had a duty to comply with and/or assure the compliance with those State and Federal environmental laws and regulations including, but not limited to, the Tennessee Water Quality Control Act, T.C.A. § 69-3-101, *et seq.*; the Tennessee Solid Waste Disposal Act, T.C.A. § 68-211-102, *et seq.*; the Tennessee Safe Drinking Water Act, T.C.A. § 68-221-702, *et seq.*; the Tennessee Air Quality Act, T.C.A. § 68-201-101, *et seq.*; the Federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*; and the Federal Dam Safety Act and FEMA dam safety procedures.

500. These laws and permits create statutory standards that are intended to protect and benefit Plaintiffs.

501. TVA's violations of these statutory standards constitute negligence *per se* under Tennessee law.

502. As a direct and proximate result of TVA's violation of the law, Plaintiffs have suffered legal injury and damages in an amount to be proven at trial, including, but not limited to, real and personal property damage, diminution of value of real estate, and loss of enjoyment of real property.

**WHEREFORE**, Plaintiffs respectfully request that this Court:

1. Award and enter judgment for compensatory damages (including also treble damages where applicable) in favor of Plaintiffs and against TVA, in an amount that fairly compensates Plaintiffs for their various damages and losses, together with interest and costs;
2. Award and enter judgment for punitive damages in favor of Plaintiffs and against TVA, in an amount that justly punishes TVA for its reckless, intentional, willful and/or wanton conduct;
3. Award reasonable attorney fees and reimbursement of costs; and,
4. Award and/or allow Plaintiffs such other and further relief as the Court deems just and equitable under the circumstances.

Respectfully submitted,

Dated: December 21, 2011

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